

## CHAPTER 399. HISTORICAL RECORDS AND SITES

### MICHIGAN HISTORICAL COMMISSION Act 271 of 1913

AN ACT to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—Am. 1943, Act 172, Eff. July 30, 1943;—Am. 1988, Act 467, Imd. Eff. Dec. 27, 1988.

*The People of the State of Michigan enact:*

#### **399.1 Michigan historical commission; creation; members; expenses.**

Sec. 1. (1) There is hereby created within the department a commission to be known as the Michigan historical commission. The commission shall consist of the following members:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the senate majority leader.

(c) Seven members appointed by the governor by and with the advice and consent of the senate. One of the members appointed under this subdivision shall be a representative of the historical society of Michigan. The governor shall make this appointment from a list of 3 persons nominated by the historical society of Michigan.

(d) The director of the department, serving as an ex officio member.

(2) A member of the commission shall not receive any compensation for his or her services, except actual and necessary expenses while attending the meetings or carrying out the purposes of the commission.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10727;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8114;—CL 1948, 399.1;—Am. 1951, Act 250, Imd. Eff. June 15, 1951;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

**Transfer of powers:** See MCL 16.130.

#### **399.2 Historical commission; terms of members.**

Sec. 2. (1) The governor shall appoint members of the commission under section 1(1)(c) for the following terms: One for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1 for 5 years, and 1 for 6 years, and thereafter 1 member annually for a term of 6 years until their successors shall have been appointed and qualified. The additional member appointed by the governor as provided for in the 2001 amendatory act that amended this section shall serve for a term of 6 years and until his or her successor is appointed and qualified.

(2) A member of the commission appointed to the commission by the speaker of the house of representatives or the senate majority leader under section 1(1)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10728;—CL 1929, 8115;—CL 1948, 399.2;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

#### **399.3 Historical commission; meetings, organization, acceptance of gifts.**

Sec. 3. As soon as practicable after this act shall take effect, the said commission shall meet in the state capitol in Lansing, and shall organize by electing 1 of its members as president, and 1 as vice president, and shall appoint a secretary, and shall arrange a time and place of holding regular meetings of the commission, and for such special meetings as may be necessary. It shall take, as soon as practicable, necessary steps to receive and accept in the name of the state of Michigan, such of the property of the Michigan pioneer and historical society as the latter may convey to the state of Michigan, and shall take possession of the rooms in the capitol building now occupied by the said society, and may accept all gifts and bequests for the furtherance of its authorized purposes.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10729;—CL 1929, 8116;—CL 1948, 399.3.

#### **399.4 Historical commission; duties.**

Sec. 4. The commission shall collect, arrange, and preserve material, including records, archives, paintings, and statuary illustrative of and relating to the history of Michigan and the old northwest territory; procure and preserve narratives of the early pioneers; collect material concerning the Indian tribes in Michigan; collect,

prepare, and display in the Michigan historical museum objects indicative of the life, customs, dress, and resources of the early residents of Michigan; and publish source materials and historical studies relative to and illustrative of the history of the state, including historical materials and studies furnished for that purpose by educational institutions and by the historical society of Michigan. The commission shall cooperate with and assist the historical society of Michigan and local historical societies in this state and help to organize new local historical societies of similar nature and purpose.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10730;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8117;—CL 1948, 399.4;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992.

#### **399.4a Records; confidentiality; applicability of section.**

Sec. 4a. (1) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section from a person under a written agreement specifying that the record is for retention in the state archives, but is confidential, shall be kept confidential and shall not be open to public inspection or copying for a period stated in the agreement, which period shall not be more than 20 years or until the death of the person, whichever occurs first.

(2) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section from a governmental agency that maintained the material on a confidential basis shall be kept confidential pursuant to the terms of a written agreement. The written agreement shall be signed by the secretary of state or a representative of the department and a representative of the donating agency, shall specify the terms and conditions under which the record is to be kept confidential, and may include provision for releasing the record for research purposes provided the name of each individual identified in the record is protected from disclosure.

(3) This section does not apply to a record that is not exempt from the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, before receipt by the secretary of state or the department.

**History:** Add. 1980, Act 319, Imd. Eff. Dec. 9, 1980;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

#### **399.5 Records; collection; preservation; copies as evidence; property of state; exceptions; inspection; disposal schedule.**

Sec. 5. (1) The commission may collect from the public offices in this state records that are not in current use and are of value, in the opinion of the commission. A public official shall assist the commission in the collection of such records. The commission is the legal custodian of such records collected and transferred to its possession. The commission shall provide for their preservation, classification, arranging, and indexing, so that they may be made available for the use of the public. In a county where there is a public institution having a fireproof building and suitable arrangements for carefully keeping such records, so that in the opinion of the commission they can be safely stored, the records may be left in the possession of that institution. A list of the records shall be furnished to the commission and shall be kept in its office. A copy of the finding of the commission that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the commission. If made and certified to by the secretary or archivist of the commission, a copy of such a record shall be admitted in evidence in court, with the same effect as if certified to by the original custodian of the record.

(2) A record that is required to be kept by a public officer in the discharge of duties imposed by law, that is required to be filed in a public office, or that is a memorial of a transaction of a public officer made in the discharge of a duty is the property of this state and shall not be disposed of, mutilated, or destroyed except as provided by law. This section does not apply to a bond, bill, note, interest coupon, or other evidence of indebtedness issued by a state, county, multicounty, school, or municipal agency, department, board, commission, or institution of government. The directing authority of each state, county, multicounty, school, or municipal agency, department, board, commission, or institution of government shall present to the commission a certified schedule governing disposal of, or a certified list or description of, the records that are useless and of no value to the governmental agency and to its duties to the public. The commission shall then inspect the records and shall requisition for transfer, from the directing authority to the commission, of records that the commission considers valuable.

(3) As soon as possible after the inspection by the commission and the transfer of considered valuable are completed, the directing authority of the agency, department, board, commission, or institution shall submit the schedule governing the disposal of, or the remainder of the list of, the records to the state administrative

board, which shall approve or disapprove the disposal schedule or list and order the destruction of the valueless records accordingly.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10731;—Am. 1923, Act 144, Eff. Aug. 30, 1923;—CL 1929, 8118;—Am. 1943, Act 172, Eff. July 30, 1943;—CL 1948, 399.5;—Am. 1952, Act 154, Eff. Sept. 18, 1952;—Am. 1955, Act 59, Eff. Oct. 14, 1955;—Am. 1959, Act 68, Eff. Mar. 19, 1960;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992.

### **399.6 Publication of material; payment; price.**

Sec. 6. (1) The department shall prepare for publication the material referred to in section 4. The volumes shall be printed and bound in substantial uniformity with the volumes issued by other historical societies and the several state departments. That printing, together with bulletins, including a historical journal, and book reprints, maps, articles, calendars, and related items as may be determined by the department, shall be paid out of the appropriations made by the legislature.

(2) The department may establish, raise, and lower a selling price for books, reprints, maps, articles, calendars, and related items and may sell those materials.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10732;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8119;—CL 1948, 399.6;—Am. 1984, Act 309, Imd. Eff. Dec. 21, 1984;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

### **399.7 Department as custodian of historical publications; distribution and exchange of publications; free copies and sales of journal, Michigan history; price; costs; disposition and use of money.**

Sec. 7. (1) The department shall be the custodian of the historical publications and may distribute, exchange, or both distribute and exchange the publications with domestic and foreign states, governments, and institutions.

(2) The department shall publish a journal entitled Michigan history and shall furnish 1 copy of the journal, free of charge, to each cooperative library in this state, if officially requested to do so by the officers of the library.

(3) The department shall furnish to each member of the legislature 1 copy of each journal published during the legislator's term, free of charge, if requested to do so by the legislator.

(4) Except as provided in subsections (2) and (3), the department shall sell each copy of the journal, Michigan history, at a price set by the department. The printing, distribution, and promotion costs incurred by the journal shall be paid exclusively from the Michigan heritage publications fund.

(5) The department may raise or lower the selling price of Michigan history to reflect changes in printing, distribution, and promotion costs incurred by the journal.

(6) The money collected from the sale of Michigan history and the material listed in section 6(2) shall be credited to a revolving fund, which is hereby created and which shall be referred to as the Michigan heritage publications fund. The state treasurer shall direct the investment of the Michigan heritage publications fund. The state treasurer shall credit to the Michigan heritage publications fund interest and earnings from fund investments. Money in the Michigan heritage publications fund shall be used to pay the printing, distribution, and promotion costs of Michigan history and the material listed in section 6(2). Money in the Michigan heritage publications fund at the close of the fiscal year shall remain in the Michigan heritage publications fund and shall not lapse to the general fund.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10733;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8120;—Am. 1931, Act 245, Eff. Sept. 18, 1931;—CL 1948, 399.7;—Am. 1978, Act 209, Imd. Eff. June 4, 1978;—Am. 1984, Act 309, Imd. Eff. Dec. 21, 1984;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

### **399.7a Establishment and administration of store; acquisition and sale of items; vending and cafeteria operations; charges; acceptance of cash, check, or credit card payments; advertisements; services of high school cooperative students and volunteers; creation of museum operations fund; disposition of money; definitions.**

Sec. 7a. (1) The department may establish and administer a store in the center. The store may acquire and sell items that pertain to the collections of the center or the purpose of the center, or both. Items sold by the store may be acquired by purchase, gift, or consignment and may be sold on a commission basis. The Michigan commission for the blind shall have priority to establish vending and cafeteria operations, as authorized by 1978 PA 260, MCL 393.351 to 393.368, in the center.

(2) A charge shall be established for each item offered for sale at the store. The charge may include markups and discounts that are commensurate with industry practice. The department may accept cash, check, or credit card payments as compensation for items sold at the store. The department shall determine which credit cards will be accepted for payment. The department may purchase and place advertisements concerning

items offered for sale at the store. The store may utilize the services of high school cooperative students and volunteers.

(3) The museum operations fund is created in the state treasury. The money collected under subsection (1) shall be credited to and deposited in the museum operations fund and an unexpended balance at the close of the fiscal year shall not lapse to the general fund but shall remain in the museum operations fund for future expenditures under this subsection. The state treasurer shall direct the investment of the museum operations fund. The state treasurer shall credit to the museum operations fund interest and earnings from fund investments. Money in the museum operations fund may be used to do any of the following:

- (a) Purchase artifacts for the collections of the center.
  - (b) Restore artifacts in the collections of the center.
  - (c) Advertise and pay for educational programs, special exhibits, and special events, including performers, presented at the center or another museum or historical facility operated by the department.
  - (d) Provide free materials to school groups.
  - (e) Purchase items offered for sale at the store.
  - (f) Pay for any other expense incurred by the center or by another museum or historical facility administered by the department.
- (4) As used in this section:
- (a) "Center" means the Michigan historical center.
  - (b) "Store" means the retail sales store located in the center, as authorized in this section.

**History:** Add. 1988, Act 467, Imd. Eff. Dec. 27, 1988;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

### **399.8 Secretary of commission; authority; employees; salaries and expenses.**

Sec. 8. The secretary of said commission shall act under the direction of the commission. The commission shall have power to appoint such other employees as shall be deemed necessary. The commission may delegate to the secretary such authority as is necessary to carry out the provisions of this act. The secretary and other employees shall receive such salaries as shall be appropriated by the legislature and also such traveling expenses as shall be necessary.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—Am. 1915, Act 222, Imd. Eff. May 13, 1915;—CL 1915, 10734;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8121;—Am. 1933, Act 14, Imd. Eff. Feb. 17, 1933;—CL 1948, 399.8;—Am. 1951, Act 250, Imd. Eff. June 15, 1951.

### **399.8a Rules.**

Sec. 8a. The department shall promulgate rules necessary to carry out the provisions of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** Add. 1951, Act 250, Imd. Eff. June 15, 1951;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

**Administrative rules:** R 399.101 et seq. of the Michigan Administrative Code.

### **399.9 Historical commission; annual report, contents.**

Sec. 9. The said commission shall make annual reports on the first day of January of each year to the governor of the state, setting forth the character and extent of the work done under its supervision during the preceding year, and the amounts of money expended by it for the various purposes authorized by this act.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10735;—CL 1929, 8122;—CL 1948, 399.9.

### **399.10 Definitions.**

Sec. 10. As used in this act:

- (a) "Commission" means the Michigan historical commission created under section 1.
- (b) "Department" means the department of history, arts, and libraries.
- (c) "Record" means a document, paper, book, letter, or writing, including a document, paper, book, letter, or writing prepared by handwriting, typewriting, printing, photostating, or photocopying; a photograph; a film; a map; a magnetic or paper tape; a microform; a magnetic or punch card; a disc, drum, sound, or video recording; an electronic data processing material; or another recording medium, and includes individual letters, words, pictures, sounds, impulses, or symbols, or a combination of these, regardless of physical form or characteristics.

**History:** Add. 1992, Act 190, Imd. Eff. Oct. 5, 1992;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

## **MICHIGAN SESQUICENTENNIAL ACT**

**Act 266 of 1984**

**399.21-399.30 Expired. 1984, Act 266, Eff. Mar. 31, 1988.**

**MICHIGAN COMMISSION ON BICENTENNIAL OF UNITED STATES CONSTITUTION  
Act 71 of 1986**

**399.31-399.41 Repealed. 1986, Act 71, Eff. July 1, 1992.**

**RECORDS OF UNITED STATES LAND OFFICE**  
**Act 54 of 1927**

AN ACT to designate the Michigan historical commission as the proper state agency to receive and safely keep the records of the United States land office, formerly kept in the state of Michigan, and to allow the authorities of the United States free access to the same.

**History:** 1927, Act 54, Imd. Eff. Apr. 18, 1927.

*The People of the State of Michigan enact:*

**399.51 United States land office records; transfer to Michigan historical commission, access of authorities.**

Sec. 1. The Michigan historical commission be and it is hereby designated as the agency of the state of Michigan to receive and safely keep the transcripts, documents and records of the land office or land offices formerly maintained by the United States in the state of Michigan; and that any and all authorities of the United States be and they are hereby allowed to have free access to the same at any time without cost or expense to them, as provided by the act of congress, approved May 28, 1926, entitled "An act to provide for the transfer of certain records of the general land office to states and for other purposes."

**History:** 1927, Act 54, Imd. Eff. Apr. 18, 1927;—CL 1929, 8125;—CL 1948, 399.51.

**Compiler's note:** For the act of congress referred to in this section, see 43 U.S.C. §§ 25 and 25a.

**UNITED STATES FIELD NOTES, MAPS, PLATS, AND RECORDS**  
**Act 55 of 1927**

AN ACT to designate the Michigan historical commission as the proper state agency to receive and safely keep the field notes, maps, plats, records and all other papers appertaining to land titles in the public survey office of the United States in said state.

**History:** 1927, Act 55, Imd. Eff. Apr. 18, 1927.

*The People of the State of Michigan enact:*

**399.61 United States public survey office records pertaining to land titles; transfer to Michigan historical commission, access of authorities.**

Sec. 1. The Michigan historical commission be and it is hereby designated as the agency of the state of Michigan to receive and safely keep the field notes, maps, plats, records, and all other papers appertaining to land titles in the public survey office of the United States, relating to the state of Michigan, that may not be needed by the United States; and that any and all authorities of the United States be and they are hereby allowed to have free access to the same at any time, as provided by the act of congress, approved May 28, 1926, entitled "An act to provide for the transfer of certain records of the general land office to states and for other purposes."

**History:** 1927, Act 55, Imd. Eff. Apr. 18, 1927;—CL 1929, 8126;—CL 1948, 399.61.

**Compiler's note:** For the act of congress referred to in this section, see 43 U.S.C. §§ 25 and 25a.

**MICHIGAN IRON INDUSTRY MUSEUM ADVISORY BOARD ACT**  
**Act 152 of 1984**

AN ACT to create the Michigan iron industry museum advisory board within the department of history, arts, and libraries; and to prescribe its powers and duties.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984;—Am. 1990, Act 232, Imd. Eff. Oct. 8, 1990;—Am. 2001, Act 77, Imd. Eff. July 24, 2001.

*The People of the State of Michigan enact:*

**399.71 Short title.**

Sec. 1. This act shall be known and may be cited as the “Michigan iron industry museum advisory board act”.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984;—Am. 1990, Act 232, Imd. Eff. Oct. 8, 1990.

**399.72 Definitions.**

Sec. 2. As used in this act:

(a) “Advisory board” means the Michigan iron industry museum advisory board created by section 3.

(b) “Museum site” means certain state land and facilities in the county of Marquette constituting an historical commemoration of the first iron production area in the Lake Superior region.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984;—Am. 1990, Act 232, Imd. Eff. Oct. 8, 1990.

**399.73 Advisory board; creation; appointment, qualifications, and terms of members; vacancies; expenses; election of officers; meetings; quorum.**

Sec. 3. (1) The Michigan iron industry museum advisory board is created within the department of history, arts, and libraries.

(2) The advisory board shall consist of the following members:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the senate majority leader.

(c) Nine members appointed by the governor, including all of the following:

(i) One representative from the city of Negaunee and 1 representative from the city of Marquette.

(ii) One representative from the township of Negaunee.

(iii) One representative from the county board of commissioners of the county of Marquette.

(iv) One representative from the county historical society of the county of Marquette.

(v) One representative from the mineral industry.

(vi) Three members from the general citizenry of the state, at least 1 of whom is a resident of the Upper Peninsula.

(3) Each member of the advisory board shall be a registered voter and a resident of this state.

(4) Not more than 6 members of the advisory board shall be of the same political party at any 1 time.

(5) Except for members first appointed, the term of office of each member of the advisory board appointed under subsection (2)(c) shall be 4 years. Of the members of the advisory board first appointed under subsection (2)(c), 3 shall serve for 4 years, 3 shall serve for 3 years, and 3 shall serve for 2 years. A member of the advisory board appointed by the speaker of the house of representatives or the senate majority leader under subsection (2)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative. Vacancies on the advisory board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(6) A member of the advisory board shall not receive any compensation for his or her services, except for expenses incurred while acting as an official representative of the advisory board. However, a member of the advisory board shall not receive more than \$75.00 per day for not more than 24 days per calendar year, for not more than 2 calendar years. All claims for expenses shall be paid pursuant to voucher submitted to the department of treasury.

(7) The members of the advisory board annually shall elect a chairperson, vice-chairperson, and secretary.

(8) The advisory board shall meet not less than twice each calendar year at the call of the chairperson. A majority of the members of the advisory board shall constitute a quorum for the transaction of business.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984;—Am. 1990, Act 232, Imd. Eff. Oct. 8, 1990;—Am. 2001, Act 77, Imd. Eff. July 24, 2001.

### **399.74 Duties of advisory board.**

Sec. 4. The advisory board shall do all of the following:

- (a) Advise the department of history, arts, and libraries as to construction of, and policies, plans, and programs concerning the museum site.
- (b) Facilitate cooperation between the department of history, arts, and libraries and public and private entities interested in historic preservation at the museum site.
- (c) Encourage donations of real and personal property to the department of history, arts, and libraries for purposes incidental to, or connected with, the museum site, including artifacts associated with the museum site.
- (d) Promote public use of the museum site.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984;—Am. 2001, Act 77, Imd. Eff. July 24, 2001.

### **399.75 Conducting business at public meeting; notice.**

Sec. 5. The business which the advisory board may perform shall be conducted at a public meeting of the advisory board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984.

### **399.76 Availability of writings to public.**

Sec. 6. A writing prepared, owned, used, in the possession of, or retained by the advisory board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1984, Act 152, Imd. Eff. June 25, 1984.

**MICHIGAN FREEDOM TRAIL COMMISSION ACT**  
**Act 409 of 1998**

AN ACT to create the Michigan freedom trail commission; and to prescribe the powers and duties of certain state departments, agencies, commissions, and officers.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998.

*The People of the State of Michigan enact:*

**399.81 Short title.**

Sec. 1. This act shall be known and may be cited as the “Michigan freedom trail commission act”.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998.

**399.82 Definitions.**

Sec. 2. As used in this act:

(a) “Department” means the department of history, arts, and libraries.

(b) “Michigan freedom trail commission” or “commission” means the Michigan freedom trail commission created in section 3.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998;—Am. 2001, Act 79, Imd. Eff. July 24, 2001.

**399.83 Michigan freedom trail commission; creation; functions; composition; appointment and terms of members; vacancy; removal; election of officers; meetings; quorum; business conducted at public meeting; writing subject to freedom of information act; compensation; reimbursement.**

Sec. 3. (1) The Michigan freedom trail commission is created within the department. The budgeting, procurement, and related functions of the commission and administrative responsibilities for the staff of the commission shall be performed under the direction and supervision of the department.

(2) The commission shall consist of the following members:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the senate majority leader.

(c) Nine members appointed by the governor, as follows:

(i) Three members from the academic community knowledgeable in African-American history.

(ii) One member actively involved in civil rights issues.

(iii) One member knowledgeable in historic preservation.

(iv) One member representing local communities in which the underground railroad had a significant presence.

(v) Three members at large, 1 of whom shall be a representative of the museum of African American history located in the city of Detroit.

(d) Three members serving ex officio without vote as follows:

(i) The chief executive officer of the Michigan economic development corporation or his or her representative.

(ii) The state librarian or his or her representative.

(iii) The director of the department or his or her representative.

(3) The members appointed under subsection (2)(c) first appointed to the commission shall be appointed within 90 days after December 21, 1998.

(4) Members of the commission appointed under subsection (2)(c) shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years. A member of the commission appointed by the speaker of the house of representatives or the senate majority leader under subsection (2)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative.

(5) A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

(6) The governor, speaker of the house of representatives, or senate majority leader may remove a member of the commission appointed by him or her for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(7) At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 7 or more members appointed

under subsection (2)(a), (b), and (c).

(8) A majority of the members of the commission appointed under subsection (2)(a), (b), and (c) constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members appointed under subsection (2)(a), (b), and (c) present and serving are required for official action of the commission.

(9) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998;—Am. 2001, Act 79, Imd. Eff. July 24, 2001.

### **399.84 Commission; duties.**

Sec. 4. The commission shall do all of the following:

(a) Review, plan, and implement a master plan to promote and preserve the history of the freedom trail and underground railroad in this state.

(b) Work in conjunction with state and federal authorities to sponsor commemorations, linkages, seminars, and public forums on the freedom trail and underground railroad in this state and neighboring states.

(c) Assist and promote the making of applications for inclusion in the national and state register of historic places for significant historic places related to the freedom trail and the underground railroad in Michigan.

(d) Assist and develop partnerships to seek public and private funds to carry out activities to protect, preserve, and promote the legacy of the freedom trail and underground railroad in this state.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998.

### **399.85 Report.**

Sec. 5. The commission shall annually report to the governor and both houses of the legislature on the activities of the commission in the prior calendar year.

**History:** 1998, Act 409, Imd. Eff. Dec. 21, 1998.

## **SOO LOCKS CENTENNIAL CELEBRATION COMMISSION Act 289 of 1947**

**399.101, 399.102 Repealed. 1962, Act 13, Imd. Eff. Mar. 19, 1962.**

## **HISTORIC SITES**

### **Act 69 of 1976**

AN ACT to permit the department of history, arts, and libraries to acquire and operate state historic sites; to accept gifts for that purpose; and to permit investment in certain funds to carry out the purposes of this act.

**History:** 1976, Act 69, Imd. Eff. Apr. 5, 1976;—Am. 1978, Act 509, Imd. Eff. Dec. 15, 1978;—Am. 2001, Act 73, Imd. Eff. July 24, 2001.

*The People of the State of Michigan enact:*

#### **399.111 Historic sites; acquisition and maintenance by department of history, arts, and libraries.**

Sec. 1. The department of history, arts, and libraries may acquire and maintain historic sites for use by the public. The department of history, arts, and libraries may receive lands or rights to lands in the name of the state and for the benefit of the public by either purchase or gift. The department of history, arts, and libraries may enter into contracts for the purchase of historic sites listed on the state register of historic sites, and on fulfillment of the terms and conditions in a contract may accept a deed or deeds.

**History:** 1976, Act 69, Imd. Eff. Apr. 5, 1976;—Am. 2001, Act 73, Imd. Eff. July 24, 2001.

#### **399.112 Receiving and holding real or personal property in trust for state; disposition of money or other personal property; state historic site fund; use and expenditure of proceeds.**

Sec. 2. The department of history, arts, and libraries may receive and hold in trust for the state a grant or devise of land or rights in land and a gift or bequest of money or other nonhistoric personal property made for the purposes of this act. If money or other personal property is received, the property shall be appraised at current market value and be turned over to the state treasurer who shall preserve and invest all money and property received as provided by law. The invested funds shall be known as the state historic site fund and the proceeds shall be used and expended under the direction of the department of history, arts, and libraries to carry out the purposes of this act.

**History:** 1976, Act 69, Imd. Eff. Apr. 5, 1976;—Am. 1978, Act 509, Imd. Eff. Dec. 15, 1978;—Am. 2001, Act 73, Imd. Eff. July 24, 2001.

#### **399.113 Transfer of historic site by municipality to department of history, arts, and libraries.**

Sec. 3. Any municipality may transfer the care and control of a historic site or property suitable as a historic site to the department of history, arts, and libraries. The transfer shall be upon terms and for a period of time as may be mutually agreed upon.

**History:** 1976, Act 69, Imd. Eff. Apr. 5, 1976;—Am. 2001, Act 73, Imd. Eff. July 24, 2001.

**MICHIGAN HISTORICAL MARKERS ACT**  
**Act 10 of 1955**

AN ACT to provide for the registration of historic sites; to authorize certain fees; to prescribe powers, duties, and responsibilities for certain state officers; and to prescribe penalties and civil remedies for violations of this act.

**History:** 1955, Act 10, Eff. Oct. 14, 1955;—Am. 2002, Act 488, Imd. Eff. June 28, 2002.

*The People of the State of Michigan enact:*

**399.151 Short title.**

Sec. 1. This act shall be known and may be cited as the “Michigan historical markers act”.

**History:** 1955, Act 10, Eff. Oct. 14, 1955;—Am. 2002, Act 488, Imd. Eff. June 28, 2002.

**399.152 Definitions.**

Sec. 2. As used in this act:

(a) “Application” means applying for the placement of an official Michigan historical marker at the location of a historic resource or site and for the resource's or site's listing in the state register of historic sites.

(b) “Center” means the Michigan historical center established in the department.

(c) “Commission” means the Michigan historical commission created in section 1 of 1913 PA 271, MCL 399.1.

(d) “Department” means the department of history, arts, and libraries created in section 3 of the history, arts, and libraries act, 2001 PA 63, MCL 399.703.

(e) “Historic resource” means a publicly or privately owned building, structure, site, object, or open space of historic significance to Michigan.

(f) “Historic significance” means value in relation to historical, architectural, archaeological, engineering, or cultural disciplines.

(g) “Person” means an individual, partnership, corporation, association, or other private legal entity.

(h) “Work” means construction, addition, alteration, repair, moving, excavation, or demolition.

**History:** 1955, Act 10, Eff. Oct. 14, 1955;—Am. 1964, Act 249, Imd. Eff. May 28, 1964;—Am. 2002, Act 488, Imd. Eff. June 28, 2002.

**399.153 Historic preservation as public purpose; administration of Michigan historical marker program; goals.**

Sec. 3. Historic preservation and related public education are declared to be public purposes. In fulfillment of these purposes, the department may administer a Michigan historical marker program with the following goals:

(a) Identify and locate historic sites and subjects having historic significance to this state.

(b) Educate the public about significant people, places, and things in Michigan history and thereby develop the public's knowledge of the importance of Michigan history.

(c) Encourage the public to preserve historic resources indicative of Michigan history and to develop a sense of identity as Michiganians.

(d) Enhance cultural tourism in this state by encouraging residents and visitors to investigate Michigan history and the state's historic sites.

(e) Unite people from various regions of this state through improved dissemination of information about historic resources and places.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

**399.154 Historic resource or site; listing; criteria.**

Sec. 4. The department may list a historic resource or site in the state register of historic sites and commemorate the resource or site with the placement of an official Michigan historical marker if the historic resource or site meets written criteria adopted by the department upon recommendation of the commission.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

**399.155 Application; filing; form; attachments; fee; review; endorsement or denial of application.**

Sec. 5. (1) An application may be filed by 1 of the following persons or agencies:

(a) A person owning or in possession of a historic resource or site or a person having written consent from the owner or person in possession of a historic resource or site.

(b) A department or agency of this state or of a political subdivision of the state owning, controlling, or in possession of a historic resource or site.

(2) A person or agency may submit application to the center only on a form prescribed by and obtained from the center. The form shall include all requested information and be accompanied by the following attachments:

(a) Current images, as prescribed by the center.

(b) Documentation from a recognized and authoritative source acceptable to the center, supporting the historic significance of the historic resource. This documentation shall demonstrate the historic significance of the historic resource.

(c) Any additional documents required by the center.

(3) An application and all attachments submitted to the center under subsection (2) become the property of the state.

(4) An applicant other than an agency shall pay the center an application fee of \$250.00 at the time an application is submitted. The center may not process an application without this fee. The center shall deposit the fee in the historical marker fund created in section 9. The center shall refund the fee if the center decides the historic resource is not eligible for a historical marker.

(5) The center shall review each application for completeness and accuracy. The center's review may include verification of the accuracy of furnished information and the location of the historic resource or site. The center may require the applicant to furnish additional information considered necessary to complete the center's review of the application and attachments. Center representatives may visit the site if necessary.

(6) Submission of an application does not guarantee that a historic resource or site will receive an official Michigan historical marker. If the center concludes that the application meets the criteria for the placement of an official Michigan historical marker, the center shall endorse the application and prepare marker text for presentation to the commission. However, if the center concludes that the application fails to meet a criterion or another requirement for placement of a marker, the center shall notify the applicant of that decision in writing and shall specify the reason or reasons why the application is denied.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

### **399.156 Official Michigan historical marker; words included; agreement.**

Sec. 6. (1) Upon receipt of an application and proposed marker text from the center, the commission shall review, modify if necessary, and approve the text, and review and approve the location for each requested historical marker. The commission shall exercise its judgment and discretion in revising and approving proposed marker text and may advise the department on matters pertaining to applications and related decisions. The department shall issue an official site number for each historic resource or site designated for placement of an official Michigan historical marker.

(2) An official Michigan historical marker shall not include or mention the name of a living commissioner or any other living state official.

(3) An official Michigan historical marker shall include the words "Michigan historical center, department of history, arts, and libraries". The department may retrofit a marker that does not include these words.

(4) An official Michigan historical marker shall have a logo or seal with a wolverine emblem in its upper area or crest and include the words "registered Michigan historic site".

(5) The department may enter into a written agreement with another state, local, or federal agency regarding the placement of an official Michigan historical marker on property under the jurisdiction of the agency. The agreement may address security, payment for the marker, and other appropriate matters.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

### **399.157 Official Michigan historical marker; property; control; ownership; transfer without permission prohibited; stolen or damaged marker; recovery.**

Sec. 7. (1) An official Michigan historical marker approved by the department and the commission is the property of the state of Michigan and is subject to the exclusive control of the department, whether erected on public or private property. In addition to other text on the marker, each marker shall include the conspicuous statement "property of the state of Michigan".

(2) The department shall not abandon an official Michigan historical marker. In all legal proceedings, in this state or elsewhere, there shall be an irrebuttable presumption against abandonment of the state of Michigan's ownership of an official Michigan historical marker.

(3) A person or agency in possession of a historic resource or site where an official Michigan historical marker is displayed shall not attempt to convey, sell, or otherwise transfer the marker. A conveyance, sale, or transfer is void unless made pursuant to written permission from the department.

(4) Upon discovering that an official Michigan historical marker may have been stolen or otherwise improperly or unlawfully removed from the historic resource or site where it was placed, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the marker.

(5) Upon discovering that an official Michigan historical marker has been marred, vandalized, or otherwise damaged, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the actual replacement cost of the marker, plus taxable costs, reasonable attorney fees, and interest calculated under section 6013 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6013. Revenue received under this subsection shall be deposited in the historical marker fund created in section 9.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

**399.158 Official Michigan historical marker; certain uses prohibited; violations as misdemeanor; penalty; grace period for return of marker; exception; deposit of amounts received under liability provisions.**

Sec. 8. (1) A person or agency shall not exhibit, display, or use an official Michigan historical marker's distinctive design, configuration, pattern, or color combination, including a facsimile of an official Michigan historical marker, for any purpose without the department's written permission. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both.

(2) A person or agency shall not use for advertising, retail sales, or any other commercial purpose without the department's written permission any portion of the seal, emblem, and logo that appear in the crest of an official Michigan historical marker. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$5,000.00, or both.

(3) A person or agency shall not exhibit, display, or use a marker's seal, emblem, or logo or a marker's distinctive design, configuration, pattern, or color combination, including an official Michigan historical marker's facsimile, to represent his or her property as a registered Michigan historic site. A person or agency shall not exhibit, display, or use the seal, emblem, or logo or a marker's distinctive design, configuration, pattern, or color combination, including an official Michigan historical marker's facsimile, in a manner designed to lead another person to believe that the person's property is an official state historic site. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not less than \$2,000.00 or more than \$10,000.00, or both. If a person allegedly in violation of this subsection receives written notice from the department that the person is in apparent violation of the subsection and the person within 60 days of mailing of the notice ceases the violation by removing or no longer using the seal, pattern, design, or color combination, or facsimile, prosecution under this subsection is barred.

(4) A person or agency shall not damage, destroy, deface, remove, tamper with, alter, or possess an official Michigan historical marker displayed at a historic resource or site without the department's written permission. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$500.00 or more than \$5,000.00, or both. A person who pleads guilty or nolo contendere or is determined guilty under this subsection is liable to this state in an amount double the cost of repair, replacement, and restoration of the official state historic site and official Michigan historical marker.

(5) A person, including a salvage company, commercial business, or a collector, shall not knowingly accept in trade or possess an official Michigan historical marker. A person that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not less than \$1,000.00 or more than \$10,000.00, or both. A person that pleads guilty or nolo contendere or is determined guilty under this subsection is liable to this state in an amount 3 times the cost of the repair, restoration, or replacement of the official Michigan historical marker.

(6) Within the first 90 days after the effective date of the amendatory act that added this subsection, a person possessing an official Michigan historical marker may return the marker to the department or to the sheriff of the person's county of residence without penalty for larceny or violating this act. However, this immunity shall not apply to a person that removed the marker if the removal of the marker resulted in death or personal injury. A sheriff shall hold a returned marker and shall notify the department that a marker has been

returned. The department shall determine the disposition of the returned marker.

(7) The amounts received under the liability provisions of subsections (4) and (5) shall be deposited in the historical marker fund created in section 9.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

### **399.159 Administration of program; gifts, grants, bequests, and appropriations; creation of historical marker fund; copyright and trademark provisions.**

Sec. 9. (1) The department may accept gifts, grants, bequests, and appropriations for the purpose of administering the Michigan historical marker program, including, but not limited to, the manufacture and placement of an official Michigan historical marker, repair and maintenance of a marker, program administration, application reviews, marker restoration, marker recovery, and enforcement of this act.

(2) The amounts received under subsection (1) shall be credited to a fund, which is created and shall be known as the historical marker fund. The state treasurer shall direct the investment of the historical marker fund and shall credit to the fund all interest and earnings earned from fund investments. Money in the historical marker fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Notwithstanding any balance in the historical marker fund, nothing in this subsection shall obligate the department to pay for the maintenance, repair, or replacement of an official Michigan historical marker.

(3) The department may copyright the text on an official Michigan historical marker and may register as a trademark or service mark the logo, seal, and emblem associated with official Michigan historical markers. The department may license or sell rights to publish or otherwise use copyrighted marker text and to use the registered logo, seal, or emblem and shall deposit amounts received from sales and licensing in the historical marker fund created in subsection (2).

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

### **399.160 Moving or altering marker; withdrawal of marker designation.**

Sec. 10. (1) An official Michigan historical marker placed to recognize a particular historic resource may be moved to and placed at another nearby site if the commission has been asked to give, and has given, written permission for the move.

(2) When making alterations to the exterior of a historic resource which has been commemorated by an official Michigan historical marker, the owner or other person in possession of the historic resource shall follow the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67, when developing plans for and performing work on this historic resource. The owner or other person in possession of the historic resource may ask the center to review work plans prior to commencement of work.

(3) The center may withdraw a marker designation and may request the return of or may repossess an official Michigan historical marker from a historic resource or site if the center determines that the historic resource or site has lost its historic significance or integrity.

(4) If the center withdraws a marker designation, the person or agency in possession of the historic resource or site shall immediately return the marker to the center.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

**HISTORICAL ACTIVITIES AND PROJECTS**  
**Act 212 of 1957**

AN ACT to authorize townships to appropriate money for historical activities and projects.

**History:** 1957, Act 212, Eff. Sept. 27, 1957.

*The People of the State of Michigan enact:*

**399.161 Historical activities and projects; township appropriations.**

Sec. 1. The township board of any township in this state may raise and appropriate money for the purpose of fostering any activity or project which in the opinion of the board tends to advance the historical interests of the township.

**History:** 1957, Act 212, Eff. Sept. 27, 1957.

**MUNICIPAL HISTORICAL COMMISSIONS**  
**Act 213 of 1957**

AN ACT to authorize cities, villages, townships, and counties to create historical commissions and prescribe their functions; to issue revenue bonds for commission purposes; and to appropriate money for historical activities and projects.

**History:** 1957, Act 213, Eff. Sept. 27, 1957;—Am. 1968, Act 33, Imd. Eff. May 21, 1968;—Am. 1974, Act 355, Imd. Eff. Dec. 21, 1974;—Am. 1976, Act 88, Imd. Eff. Apr. 17, 1976.

*The People of the State of Michigan enact:*

**399.171 Appropriation; purpose.**

Sec. 1. The governing body of a city, village, township, or county in this state may raise and appropriate money for the purpose of fostering any activity or project which the governing body of the village, city, township, or county determines will advance the historical interests of the village, city, township, or county.

**History:** 1957, Act 213, Eff. Sept. 27, 1957;—Am. 1974, Act 209, Imd. Eff. July 11, 1974;—Am. 1976, Act 88, Imd. Eff. Apr. 17, 1976.

**399.172 Historical commission; creation; appointments; functions; revenue bonds.**

Sec. 2. The governing body of a city, village, township, or county, or any combination thereof acting jointly, may create by ordinance a historical commission, provide for its appointment, and prescribe its functions. A city, village, township, or county creating a historical commission may issue revenue bonds pursuant to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws, for carrying out the functions of the commission.

**History:** Add. 1968, Act 33, Imd. Eff. May 21, 1968;—Am. 1974, Act 209, Imd. Eff. July 11, 1974;—Am. 1974, Act 355, Imd. Eff. Dec. 21, 1974;—Am. 1976, Act 88, Imd. Eff. Apr. 17, 1976.

## LOCAL HISTORIC DISTRICTS ACT

### Act 169 of 1970

AN ACT to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

*The People of the State of Michigan enact:*

#### **399.201 Short title.**

Sec. 1. This act shall be known and may be cited as the “local historic districts act”.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

#### **399.201a Definitions.**

Sec. 1a. As used in this act:

- (a) “Alteration” means work that changes the detail of a resource but does not change its basic size or shape.
- (b) “Certificate of appropriateness” means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
- (c) “Commission” means a historic district commission created by the legislative body of a local unit under section 4.
- (d) “Committee” means a historic district study committee appointed by the legislative body of a local unit under section 3 or 14.
- (e) “Demolition” means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
- (f) “Demolition by neglect” means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- (g) “Denial” means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- (h) “Department” means the department of history, arts, and libraries.
- (i) “Fire alarm system” means a system designed to detect and announce the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
- (j) “Historic district” means an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
- (k) “Historic preservation” means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
- (l) “Historic resource” means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.
- (m) “Local unit” means a county, city, village, or township.
- (n) “Notice to proceed” means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 5(6).
- (o) “Open space” means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- (p) “Ordinary maintenance” means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- (q) “Proposed historic district” means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

(r) "Repair" means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this act.

(s) "Resource" means 1 or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.

(t) "Smoke alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.

(u) "Standing committee" means a permanent body established by the legislative body of a local unit under section 14 to conduct the activities of a historic district study committee on a continuing basis.

(v) "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

### **399.202 Historic preservation as public purpose; purpose of ordinance.**

Sec. 2. Historic preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance shall be to do 1 or more of the following:

(a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.

(b) Stabilize and improve property values in each district and the surrounding areas.

(c) Foster civic beauty.

(d) Strengthen the local economy.

(e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.203 Historic districts; establishment; study committee; duties; public hearing; notice; actions; availability of writings to public.**

Sec. 3. (1) A local unit may, by ordinance, establish 1 or more historic districts. The historic districts shall be administered by a commission established pursuant to section 4. Before establishing a historic district, the legislative body of the local unit shall appoint a historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from 1 or more duly organized local historic preservation organizations. The committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the department.

(b) Conduct basic research of each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(i) The charge of the committee.

(ii) The composition of the committee membership.

(iii) The historic district or districts studied.

(iv) The boundaries for each proposed historic district in writing and on maps.

(v) The history of each proposed historic district.

(vi) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(e) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to the Michigan historical commission, and to the state historic preservation review board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(3) After the date of the public hearing, the committee and the legislative body of the local unit shall have not more than 1 year, unless otherwise authorized by the legislative body of the local unit, to take the following actions:

(a) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the legislative body of the local unit. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the legislative body of the local unit, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the local unit passes an ordinance or ordinances establishing 1 or more historic districts, the local unit shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. A local unit shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

### **399.204 Historic district commission; establishment; appointment, qualifications, and terms of members; vacancy; commissions previously established by charter or ordinance.**

Sec. 4. The legislative body of a local unit may establish by ordinance a commission to be called the historic district commission. The commission may be established at any time, but not later than the time the first historic district is established by the legislative body of the local unit. Each member of the commission shall reside within the local unit. The membership of the historic district commission in a local unit having a population of 5,000 or more individuals shall consist of not less than 7 or more than 9 members. The membership of the historic district commission in a local unit having a population of less than 5,000 individuals shall consist of not less than 5 or more than 7 members. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The members shall be appointed by the township supervisor, village president, mayor, or chairperson of the board of commissioners, unless another method of appointment is provided in the ordinance creating the commission. Initial members shall be appointed within 6 months after the ordinance establishing the commission is enacted. Members shall be appointed for 3-year terms except the initial appointments of some of the members shall be for less than 3 years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Members shall be eligible for reappointment. A vacancy on the commission shall be filled within 60 calendar days by an appointment made by the appointing authority. The ordinance creating the commission may provide procedures for terminating an appointment due to the acts or omissions of the member. The appointing authority of a local unit having a population of 25,000 or more individuals shall appoint at least 2 members from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. A local unit having a population of more than 5,000 individuals but less than 25,000 individuals shall appoint at least 1 member from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. The commission of all local units shall include as a member, if available, a graduate of an accredited school of architecture who has 2 years of architectural experience or who is an architect registered in this state. This section does not apply to historic district commissions established by charter or to historic district commissions established by ordinance before August 3, 1970.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 30, Imd. Eff. May 25, 1971;—Am. 1992, Act 96, Imd. Eff. June 18,

**399.205 Permit required; completed application; certificate of appropriateness or notice to proceed; issuance; permit fee; appeal to review board and circuit court; plan review standards, guidelines, and considerations; scope of review; preservation plan; approval; conditions; public meeting; availability of writings to public; rules of procedure; approval of minor work; finding of demolition by neglect; restoration or modification of work done without permit.**

Sec. 5. (1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under subsection (4), work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this act. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A local unit may charge a reasonable fee to process a permit application.

(2) An applicant aggrieved by a decision of a commission concerning a permit application may file an appeal with the state historic preservation review board within the department. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal. The review board may affirm, modify, or set aside a commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

(3) In reviewing plans, the commission shall follow the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the department. The commission shall also consider all of the following:

(a) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

(b) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.

(c) The general compatibility of the design, arrangement, texture, and materials proposed to be used.

(d) Other factors, such as aesthetic value, that the commission finds relevant.

(e) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(4) The commission shall review and act upon only exterior features of a resource and, except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, shall not review and act upon interior arrangements unless specifically authorized to do so by the local legislative body or unless interior work will cause visible change to the exterior of the resource. The commission shall not disapprove an application due to considerations not prescribed in subsection (3).

(5) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the local unit, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(6) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

(d) Retaining the resource is not in the interest of the majority of the community.

(7) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.

(8) The commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.

(10) The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

(11) Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

(a) Require the owner of the resource to repair all conditions contributing to demolition by neglect.

(b) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(12) When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

### **399.206 Grants, gifts, and programs.**

Sec. 6. The legislative body of a local unit may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept

public or private gifts for historic preservation purposes. The legislative body may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.207 Historic resource; acquisition by local legislative body.**

Sec. 7. If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the local legislative body that public ownership is most suitable, the local legislative body, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the local legislative body. Upon recommendation of the commission or standing committee, the local unit may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.208 County historic district commission; coordination with township and municipality.**

Sec. 8. The jurisdiction of a county shall be the same as that provided in Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Michigan Compiled Laws, or as otherwise provided by contract entered into between the county and a city, village or township. If a county historic district commission is in existence, coordination between the county historic district commission and township and municipality historic district commissions shall be maintained. The overall historic preservation plans of cities, villages and townships shall be submitted to the county historic district commission for review, and county plans submitted to cities, villages, and townships having historic district commissions. Day-to-day activities of a commission shall not be reviewed unless the activities affect resources of importance to another commission.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.209 Historic district commission; filings with delegated authority; duties of local public officials, employees, and department.**

Sec. 9. (1) The commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the inspector of buildings or other delegated authority. A permit shall not be issued until the commission has acted as prescribed by this act. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(2) Local public officials and employees shall provide information and records to committees, commissions, and standing committees, and shall meet with those bodies upon request to assist with their activities.

(3) The department shall cooperate with and assist local units, committees, commissions, and standing committees in carrying out the purposes of this act and may establish or approve standards, guidelines, and procedures that encourage uniform administration of this act in this state but that are not legally binding on any individual or other legal entity.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

### **399.210 Construction of act.**

Sec. 10. Nothing in this act shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the ordinance was enacted.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.211 Appeal of decisions.**

Sec. 11. Any citizen or duly organized historic preservation organization in the local unit, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 5(1) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 5(2).

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.212 Effect of act as to existing legislation and historical commissions.**

Sec. 12. This act does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Act No. 213 of the Public Acts of 1957, as amended, being sections 399.171 and 399.172 of the Compiled Laws of 1948, may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 4.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970.

### **399.213 Powers and duties of historic district commission.**

Sec. 13. The local legislative body may prescribe powers and duties of the historic district commission, in addition to those prescribed in this act, that foster historic preservation activities, projects, and programs in the local unit.

**History:** Add. 1986, Act 230, Imd. Eff. Oct. 1, 1986.

### **399.214 Local units; establishing, modifying, or eliminating historic districts; study committee; considerations; review of applications within proposed historic district; emergency moratorium.**

Sec. 14. (1) A local unit may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the legislative body of the local unit shall, except as provided in subsection (2), comply with the procedures set forth in section 3 and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, local units may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(2) If considering elimination of a historic district, a committee shall follow the procedures set forth in section 3 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing 1 or more of the following:

- (i) The historic district has lost those physical characteristics that enabled establishment of the district.
- (ii) The historic district was not significant in the way previously defined.
- (iii) The historic district was established pursuant to defective procedures.

(3) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the legislative body of a local unit may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 5 and 9. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than 1 year, or until such time as the local unit approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(4) If the legislative body of a local unit determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the legislative body may by resolution declare an emergency moratorium of all such work for a period not to exceed 6 months. The legislative body may extend the emergency moratorium for an additional period not to exceed 6 months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.215 Violation; fine; payment of costs.**

Sec. 15. (1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.

(2) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

**CONSERVATION AND HISTORIC PRESERVATION EASEMENT ACT**  
**Act 197 of 1980**

**399.251-399.257 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.**

**RONALD WILSON REAGAN MEMORIAL MONUMENT FUND COMMISSION ACT**  
**Act 489 of 2004**

AN ACT to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

*The People of the State of Michigan enact:*

**399.261 Short title.**

Sec. 1. This act shall be known and may be cited as the "Ronald Wilson Reagan memorial monument fund commission act".

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**399.262 Definitions.**

Sec. 2. As used in this act:

(a) "Commission" means the Ronald Wilson Reagan memorial monument fund commission created in section 3.

(b) "Monument fund" means the Ronald Wilson Reagan memorial monument fund created in the Ronald Wilson Reagan memorial monument fund act.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**399.263 Ronald Wilson Reagan memorial monument fund commission; creation; membership; terms; vacancy; first meeting; quorum; conducting business at public meetings; availability of writings to public.**

Sec. 3. (1) The Ronald Wilson Reagan memorial monument fund commission is created in the department of management and budget. The commission is the governing body of the monument fund. The commission shall consist of all of the following:

- (a) The state treasurer or his or her designee.
- (b) The attorney general or his or her designee.
- (c) The secretary of state or his or her designee.
- (d) Seven members appointed by the governor as follows:
  - (i) Two members selected by the governor.
  - (ii) Two members recommended by the senate majority leader.
  - (iii) Two members recommended by the speaker of the house of representatives.
  - (iv) One member recommended by the Ronald Reagan presidential foundation.

(2) Members of the commission shall serve for terms of 4 years or until a successor is appointed, whichever is later. If a vacancy occurs on the commission, the vacancy shall be filled in the same manner as the original appointment.

(3) The commission shall initially convene within 6 months after the first deposit of money in the monument fund. The commission shall meet often enough to expedite the completion of the monument as prescribed in section 4. A majority of the members of the commission constitute a quorum for conducting business.

(4) The commission shall conduct its business at public meetings held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

### **399.264 Duties of commission; designs.**

Sec. 4. The commission shall oversee the financing, design, site location, and construction of a memorial monument dedicated to President Ronald Wilson Reagan. The commission shall solicit designs for the monument and shall select the final design.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

### **399.265 Funding sources; prohibited conduct; violation as misdemeanor; penalty.**

Sec. 5. (1) The commission may accept on behalf of the monument fund grants or gifts from the federal government, an individual, a public or private corporation, organization, or foundation, or any other source. The acceptance and use of federal funds by the commission does not commit state money and does not obligate the legislature to continue the purposes for which federal money is made available. The commission shall transmit money received under this section to the state treasurer for deposit in the monument fund.

(2) A person shall not solicit or collect money for the monument fund through the use of telemarketing.

(3) A person shall not conduct any fund-raising activities in the name of the Ronald Wilson Reagan memorial monument fund without prior written approval from the Ronald Wilson Reagan memorial monument fund commission.

(4) A person shall not use the name or logo of the Ronald Wilson Reagan memorial monument fund or commission in any fund-raising activity without prior written approval of the commission.

(5) A person who violates subsection (2), (3), or (4) is guilty of a misdemeanor for each separate violation, punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

### **399.266 Dissolution of commission.**

Sec. 6. After the completion of construction of the monument pursuant to section 4 and payment of all amounts due in connection with the monument, the commission is dissolved.

**History:** 2004, Act 489, Imd. Eff. Dec. 28, 2004.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**RONALD WILSON REAGAN MEMORIAL MONUMENT FUND ACT**  
**Act 488 of 2004**

AN ACT to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

**History:** 2004, Act 488, Eff. Mar. 30, 2005.

*The People of the State of Michigan enact:*

**399.271 Short title.**

Sec. 1. This act shall be known and may be cited as the "Ronald Wilson Reagan memorial monument fund act".

**History:** 2004, Act 488, Eff. Mar. 30, 2005.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**399.272 Definitions.**

Sec. 2. As used in this act:

(a) "Commission" means the Ronald Wilson Reagan memorial monument fund commission created in the Ronald Wilson Reagan memorial monument fund commission act.

(b) "Monument fund" means the Ronald Wilson Reagan memorial monument fund created in section 3.

**History:** 2004, Act 488, Eff. Mar. 30, 2005.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**399.273 Ronald Wilson Reagan memorial monument fund; creation; tax status; credit and use of money.**

Sec. 3. The Ronald Wilson Reagan memorial monument fund is created as a separate fund in the department of treasury. The state treasurer shall seek appropriate federal tax status for the monument fund. The state treasurer shall credit to the monument fund the money appropriated to the monument fund, money received for the monument fund under section 5 of the Ronald Wilson Reagan memorial monument fund commission act, and all interest that accrues on money in the monument fund. The commission may use money in the monument fund as described in the Ronald Wilson Reagan memorial monument fund commission act.

**History:** 2004, Act 488, Eff. Mar. 30, 2005.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**399.274 Balance of fund; maintenance.**

Sec. 4. After the completion of construction of the monument pursuant to section 4 of the Ronald Wilson Reagan memorial monument fund commission act and payment of all amounts due in connection with the monument, any balance remaining in the monument fund shall be used to maintain the Ronald Wilson Reagan memorial monument.

**History:** 2004, Act 488, Eff. Mar. 30, 2005.

**Compiler's note:** For transfer of powers and duties of Ronald Wilson Reagan memorial monument fund act to department of management and budget by type III transfer, and abolishment of Ronald Wilson Reagan memorial monument fund commission, see E.R.O. No. 2007-2, compiled at MCL 18.44.

**MICHIGAN MUSEUM ACT**  
**Act 325 of 1990**

AN ACT to authorize the donation of certain property and artifacts to the department of state; to provide for state acceptance of the donated property and artifacts; to prescribe the powers and duties of the department of state in relation to the donated property and artifacts; to provide for the operation and administration of certain museums; to create museum advisory boards and prescribe the powers and duties of the boards; to create revolving trust funds and provide for the operation of those funds; to encourage establishment of recognized friends organizations; and to make appropriations to the department of state and provide for the expenditure of the appropriations.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

*The People of the State of Michigan enact:*

**399.301 Short title.**

Sec. 1. This act shall be known and may be cited as the “Michigan museum act”.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.302 Definitions.**

Sec. 2. As used in this act:

- (a) “Department” means the department of state.
- (b) “Durand” means the city of Durand, a home rule city situated in Shiawassee county.
- (c) “Maritime corporation” means the Lake Michigan maritime museum, inc., a nonprofit corporation, CID 706-436.
- (d) “Maritime museum” means the Michigan maritime museum situated in South Haven and operated under authority of this act.
- (e) “Maritime museum advisory board” means the Michigan maritime museum advisory board created by section 106.
- (f) “Maritime museum store” means the retail sales store located in the maritime museum, as authorized by section 108.
- (g) “Maritime museum trust fund” means the Michigan maritime museum trust fund created by section 108.
- (h) “Railroad corporation” means the grand trunk western railroad company, a Michigan corporation.
- (i) “Railroad history museum” means the Michigan railroad history museum situated in the Durand union station railroad depot and operated under authority of this act.
- (j) “Railroad history museum advisory board” means the Michigan railroad history museum and information center advisory board created by section 206.
- (k) “Railroad history museum store” means the retail sales store located in the railroad history museum, as authorized by section 208.
- (l) “Railroad history museum trust fund” means the Michigan railroad history museum trust fund created by section 209.
- (m) “South Haven” means the city of South Haven, a home rule city situated in Van Buren county.
- (n) “Union station corporation” means the Durand union station, inc., a nonprofit corporation.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.303 Lease and rental agreements; form and content.**

Sec. 3. The secretary of state shall consult with the attorney general concerning the form and content of all lease and rental agreements authorized by this act.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.401 Lake Michigan maritime museum; acceptance of real property, personal property, and liabilities by department.**

Sec. 101. (1) The department, on behalf of the state of Michigan, may accept as gifts all of the following:

- (a) Real property and improvements on the real property, commonly known as the Lake Michigan maritime museum, free of any lease, and related personal property from the city of South Haven. The real property is described as follows:

Commencing on the southerly line of Dyckman Avenue at a point 31.5 feet northwesterly from the northwest corner of lot 2, block 8, thence south 17°-40' west 153 feet, thence north 47°-34' west 265 feet,

thence south 23°-33' east 132.60 feet, thence north 22°-27'-50" east 265.14 feet, thence north 70°-27'-50" east 95.42 feet, thence south 61°-32'-10" east 263.36 feet, thence north 21°-51' east approximately 49.29 feet, thence north 68°-09' west 95 feet, thence north 21°-51' east 139 feet to the southerly line of Dyckman Avenue, thence northwesterly along said line to point of beginning, excepting any and all docks or finger piers located on or adjacent to, or connected to the foregoing described property. Said parcel is part of Dyckman and Woodman's Addition, City of South Haven, County of Van Buren, State of Michigan T1S, R17W.

(b) All of the historical artifacts and collections and any other personal property owned by the maritime corporation.

(2) Any liability of the maritime corporation, including, but not limited to, a lien against the real property described in subsection (1) that is outstanding and is identified to the department on the effective date of the transfer of the real property, shall be accepted by the department. A liability that is not identified to the department on the date of transfer or that arises subsequent to the date of transfer is not the responsibility of the department.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.402 Quitclaim deed by city of South Haven; memorandum of gift by maritime corporation; approval of legal documents by attorney general; right of first refusal.**

Sec. 102. (1) If the city of South Haven elects to make the gift specified in section 101, the city of South Haven shall deliver to the department a quitclaim deed for the real property described in section 101, subject to any and all encumbrances, easements, and restrictions of record at the time of transfer. The deed shall include a covenant that provides that the property shall be used exclusively as a maritime museum or public park, or both, and that upon termination of those uses or upon use for any other purpose, title to the property shall revert immediately to the city of South Haven. This covenant shall run with the land.

(2) If the maritime corporation elects to make the gift specified in section 101, the maritime corporation shall deliver to the department a memorandum of gift that describes each donated artifact or other property and includes maritime museum accession numbers.

(3) The quitclaim deed and memorandum of gift required by this section, and any other legal documents required to effect the transfers specified in section 101, shall be approved by the attorney general.

(4) If the department receives the real property described in section 101 and later elects to sell any of that property, the city of South Haven shall have the right of first refusal with respect to purchasing the property at its fair market value.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.403 Maritime corporation employees working at museum to become department employees.**

Sec. 103. (1) At the time of transfer, employees of the maritime corporation working at the maritime museum on the effective date of this act shall become employees of the department in accordance with a plan prepared by the department and approved by the department of civil service. The plan shall relate to compensation, classification, status, probationary periods, seniority, longevity, annual and sick leave, group insurance coverages, retirement, and other terms and conditions of employment.

(2) The sum of not to exceed \$25,000.00 is appropriated to the department from the general fund for the fiscal year ending September 30, 1991, and 2 full-time equated positions are authorized for the purposes of this section.

(3) Nothing in subsection (1) shall be construed to restrict the department from assigning new duties to, or otherwise transferring, a former employee of the maritime museum after the person becomes an employee of the department.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.404 Maritime museum; operation; purpose; programs; emphasis; dissemination of information; training personnel; library; removal, sale, or transfer of history-related property.**

Sec. 104. (1) The department's bureau of history shall operate the maritime museum as part of its statewide museum system.

(2) The maritime museum shall be dedicated to maritime preservation and education.

(3) The programs undertaken at the maritime museum shall include research, restoration, and conservation efforts, with the intent of preserving and interpreting maritime history and culture, both in material and documentary forms.

(4) The regional emphasis of the maritime museum shall be on the Great Lakes area, with special attention given to the Lake Michigan coastal zone and the subject of the evolution of Great Lakes watercraft.

(5) The programs presented at the maritime museum may include those that recognize the effect of changes in the water, air, shoreline, and marine life upon the maritime history of the Great Lakes region and that promote a sense of awareness and understanding of Great Lakes environmental issues.

(6) The department may disseminate information concerning maritime matters to the public in relevant forms, including, but not limited to, maritime museum publications, seminars, special exhibits, and public presentations such as boat building classes.

(7) As part of its maritime museum program, the department may train persons in the areas of maritime research, interpretation, and preservation.

(8) The department shall maintain and operate a maritime library at the maritime museum. This program shall be known as the Marialyce Canonie Great Lakes research library.

(9) All documents, artifacts, vessels, and other history-related property given to the department under section 101 shall not at any time be permanently removed from the maritime museum, sold, or transferred.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.405 Powers and duties of department relative to maritime museum.**

Sec. 105. With respect to the maritime museum and in addition to its other powers and duties, the department may do any of the following:

(a) Act to preserve maritime documents, artifacts, vessels, and related items of historical interest.

(b) Accept on behalf of the state donations of money, real property, historical artifacts, and other personal property related to the themes of the maritime museum. Donations of money made under this subdivision shall be credited to the maritime museum trust fund.

(c) Purchase historical artifacts related to the themes of the maritime museum within the limits of funds available.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.406 Maritime museum advisory board; creation; membership; qualifications; terms; compensation; expenses; election of officers; meetings; quorum; decisions.**

Sec. 106. (1) The Michigan maritime museum advisory board is created within the department.

(2) The maritime museum advisory board shall consist of 9 members appointed by the governor, including all of the following:

(a) Two representatives from the city of South Haven.

(b) One representative from the maritime corporation.

(c) One representative from the maritime industry.

(d) Two representatives from southwestern Michigan.

(e) Three representatives of the general citizenry of the state, at least 1 of whom shall be a resident of the Upper Peninsula.

(3) Each member of the maritime museum advisory board shall be a registered voter and a resident of this state. The governor may appoint 1 or more directors of the maritime corporation to serve on the maritime museum advisory board under subsection (2)(a), (c), (d), and (e).

(4) Not more than 5 members of the maritime museum advisory board shall be of the same political party at any 1 time.

(5) Except for members first appointed, each member of the maritime museum advisory board shall serve for a 4-year term. The initial term of office for the members first appointed under subsection (2) shall be determined at the first meeting of the maritime museum advisory board by the drawing of lots among the members with 3 members serving for 4 years, 3 members serving for 3 years, and 3 members serving for 2 years. Vacancies on the maritime museum advisory board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(6) A member shall not receive compensation for his or her services as a member of the maritime museum advisory board, except for expenses incurred while acting as an official representative of the maritime museum advisory board, but not more than \$75.00 per day for not more than 24 days per calendar year. All claims for expenses shall be paid from the maritime museum trust fund pursuant to voucher submitted to the department of treasury.

(7) The members of the maritime museum advisory board annually shall elect a chairperson, vice-chairperson, and secretary.

(8) The maritime museum advisory board shall meet not less than twice each calendar year at the call of the chairperson. A majority of the members shall constitute a quorum for the transaction of business. A

decision of the maritime museum advisory board shall be made by majority vote of the members present and voting at a meeting of the maritime museum advisory board.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.407 Maritime museum advisory board; powers and duties; conducting business at public meeting; notice; writings.**

Sec. 107. (1) The maritime museum advisory board shall do all of the following:

(a) Advise the department as to construction of and policies, plans, acquisitions, and programs concerning the maritime museum.

(b) Facilitate cooperation between the department and public and private entities interested in maritime history and the programs of the maritime museum.

(c) Encourage donations of real and personal property to the department for purposes incidental to, or connected with, the maritime museum, including artifacts and vessels associated with maritime and Great Lakes history.

(d) Promote public use of the maritime museum and its programs.

(e) Make recommendations regarding fees and charges for products and services provided at the maritime museum.

(f) Provide other assistance and advice as may be required.

(2) The business that the maritime museum advisory board performs shall be conducted at a public meeting of the maritime museum advisory board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of each meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(3) A writing prepared, owned, used, in the possession of, or retained by the maritime museum advisory board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.408 Maritime museum; funding assistance.**

Sec. 108. (1) In order to assist the funding of the maritime museum, the department may do all of the following:

(a) Charge a reasonable admission fee for entry into the maritime museum. The fee shall be established by the secretary of state and shall be reviewed annually.

(b) Establish and administer a retail sales store at the maritime museum. The maritime museum store may acquire and sell items that pertain to the collections maintained at the maritime museum or to the purpose of the maritime museum, or both. Items sold by the maritime museum store may be acquired by purchase, gift, or consignment and may be sold on a commission basis. The department is exempt from the provisions of section 261 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1261 of the Michigan Compiled Laws, when acquiring items intended for resale in the maritime museum store. A charge shall be established for each item offered for sale. The charge may include markups and discounts that are commensurate with industry practice. The department may accept cash, check, or credit card payments as compensation for items sold and shall determine which credit cards will be accepted for payment. The department may establish accounts in credit card banks for the deposit of credit card sales invoices and to pay discounts and service charges in connection with the use of credit cards. The department may purchase and place advertisements concerning items offered for sale at the maritime museum store. The maritime museum store may utilize the services of high school cooperative students and volunteers.

(c) Establish and operate a snack bar or other food and beverage service at the maritime museum and make reasonable charges for the items sold. The department may enter into agreements with a contractor or concessionaire to operate food and beverage concessions at the maritime museum. A food and beverage concession agreement entered into under authority of this subdivision shall require each contractor or concessionaire to conduct his or her business in good taste and in keeping with the theme of the maritime museum.

(2) The money collected under this section and section 105 shall be credited to a revolving fund that is created in the state treasury and shall be known as the Michigan maritime museum trust fund. Except as provided in subsection (3), money deposited in the maritime museum trust fund shall be used to defray the costs of operating the maritime museum, to purchase maritime museum store items, and for making capital and other substantial improvements to the maritime museum facilities. The department shall administer the

maritime museum trust fund. The money in the maritime museum trust fund at the close of the fiscal year shall remain in the maritime museum trust fund.

(3) The sum of not to exceed \$37,500.00 is appropriated from the general fund to the department for the fiscal year ending September 30, 1991, for operational expenses of the Michigan maritime museum.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

#### **399.409 Maritime artifact conservation service; maritime museum trust fund.**

Sec. 109. The department may operate a maritime artifact conservation service at the maritime museum. If provided, the service may be made available to the general public and to state, federal, and local agencies. The department may charge a reasonable fee for this service, including a markup that is commensurate with industry practice. Money received for conservation services shall be credited to the maritime museum trust fund.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

#### **399.410 Friends of the maritime museum organization; establishment; powers; official recognition; qualifications; letter of certification; rules; use of museum facilities.**

Sec. 110. (1) The department shall encourage the creation of an officially recognized friends of the maritime museum organization designed to provide funding, promotional support, volunteer labor, and other forms of assistance to the maritime museum.

(2) If established, the officially recognized friends of the maritime museum organization may do all of the following:

(a) Make expenditures on behalf of the programs of the maritime museum, if such expenditures are requested by the department.

(b) Use the facilities of the maritime museum without charge upon receipt of written permission from the department to do so. Use of the maritime museum facilities shall be in keeping with the authorized purposes of the friends of the maritime museum organization, shall not be made at times and places that would unreasonably interfere with opportunities of the general public to use the facilities for established purposes, and shall be subject to the other provisions of this section.

(c) Engage in fund-raising activities at the maritime museum.

(d) Operate a maritime museum store or other sales facilities, or both, if the department enters into a concession agreement with the friends of the maritime museum organization.

(3) To qualify as the officially recognized friends of the maritime museum organization, an organization shall do all of the following:

(a) Incorporate under the laws of the state of Michigan.

(b) Operate on a nonprofit basis.

(c) Request written approval from the department, using procedures and forms prescribed by the department, to function as an officially recognized friends of the maritime museum organization.

(4) Except as provided in subsection (5), if an entity qualifies as the officially recognized friends of the maritime museum organization, the department shall issue a letter of certification recognizing the friends of the maritime museum organization's qualifications. The letter shall specify the conditions under which the friends of the maritime museum organization may make expenditures on behalf of the maritime museum and may include other appropriate provisions.

(5) Nothing in this section requires the department to certify a friends of the maritime museum organization that meets the qualifications prescribed in this section.

(6) The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish special conditions with which the friends of the maritime museum organization shall comply in order to use maritime museum facilities.

(7) The department shall not permit the use of museum facilities if the friends of the maritime museum organization fails to provide membership and employment opportunities to all persons regardless of race, color, religion, sex, age, national origin, or physical disability.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990;—Am. 1998, Act 443, Imd. Eff. Dec. 30, 1998.

#### **399.501 Durand union station railroad depot; acceptance of structure, real property, personal property, funds, and liabilities by department; lease of real property.**

Sec. 201. (1) The department, on behalf of the state of Michigan, may accept all of the following as gifts:

(a) From the city of Durand, the Durand union station railroad depot structure, situated in the city of Durand, Michigan, exclusive of any interest in the land upon which the structure is located.

(b) From the city of Durand, approximately 3.76 acres of land formerly owned by the Ann Arbor railroad and associated with the depot structure, more particularly described as follows:

Part of the northwest quarter of section 22, T6N, R4E, City of Durand, County of Shiawassee, State of Michigan, and further described as beginning at a point on the centerline of Ann Arbor Street (extended westerly) said point being south 89°44'55" west 91.40 feet from the intersection of said centerline of Ann Arbor Street with the west line of the plat of "M.V. RUSSELL'S THIRD ADDITION to the Village of Durand", thence continuing south 89°45'55" west along the centerline (extended westerly) 87.65 feet, thence south 02°24'50" west 259.22 feet to a point on a line which is 50 feet northeasterly of and parallel with the centerline of the company's main track, thence north 53°42'10" west parallel with said main track 180.02 feet, thence along a curve to the left with a long chord bearing and distance of north 40°52'39" west 334.57 feet, thence north 00°06'15" east 95.0 feet to a point on a line which is 83 feet southeasterly of and parallel with the centerline of the company's westbound track, thence north 71° east parallel with said westbound track 486.18 feet, thence south 00°26'45" east 353.48 feet to the point of beginning, containing 3.76 acres more or less, subject to all easements of record.

(c) From the city of Durand, artifacts and other personal property that pertain to the depot structure or railroading.

(d) From the union station corporation, artifacts and other personal property that pertain to the depot structure or railroading.

(e) From the union station corporation, any corporate funds that are earmarked for restoration of the structure and are held by the union station corporation on the date the depot structure is transferred to the state.

(f) From the railroad corporation, all real property and improvements on the real property with respect to approximately 72,200 square feet of land situated underneath and associated with the depot structure, more particularly described as follows:

Beginning at the intersection of the company's southerly property line and the east line of Railroad Street projected, said lines also being the company's common property lines with land owned by the city, formerly owned by the Ann Arbor railroad, thence northeasterly along said southerly property line 105 feet, thence northwesterly at right angles 61 feet to a point 8.5 feet from the centerline of the company's eastbound main track as measured at right angles, thence southwesterly parallel to said eastbound main track 375 feet to a point 8.5 feet from the centerline of the company's main track as measured at right angles, thence southeasterly parallel to said main track 522 feet, thence northeasterly 80 feet to a point on the company's common property line with land owned by the city, formerly owned by the Ann Arbor railroad, thence northwesterly along said common property line on a curve to the left 335 feet, thence northerly along said common property line 95 feet to the point of beginning, excluding the fenced area of the company's microwave tower site, containing a total area of 72,200 square feet, more or less.

(2) An encumbrance or lien against any of the real property or the structure described in subsection (1) that is outstanding and is identified to the department on the effective date of the gift of the real property shall be accepted by the department. A liability that is not identified to the department on the date of gift or that arises subsequent to the date of gift is not the responsibility of the department.

(3) If the railroad corporation declines to make the gift described in subsection (1)(f), the department may lease from the railroad corporation the real property described in subsection (1)(f). If entered, the lease shall extend for a term of not less than 25 years and shall contain a renewal clause.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.502 Quitclaim deed by city of Durand; warranty deed by Ann Arbor railroad corporation; approval of legal documents by attorney general; right of first refusal.**

Sec. 202. (1) If the city of Durand elects to make the gifts specified in section 201, the city of Durand shall deliver to the department a quitclaim deed for the structure and land described in section 201(1)(a) and (b), subject to any and all encumbrances, easements, and restrictions of record at the time of transfer. The deed shall include a covenant that provides that the property shall be used exclusively as a railroad history museum and that upon termination of those uses or upon use for any other purpose, title to the property shall revert immediately to the city of Durand. This covenant shall run with the land.

(2) If the railroad corporation elects to make the gift specified in section 201(1)(f), the railroad corporation shall deliver to the department a warranty deed that describes the property donated.

(3) The quitclaim and warranty deeds required by this section, and any other legal documents required to effect the transfers specified in section 201, shall be approved by the attorney general.

(4) If the department accepts the structure or land described in section 201(1)(a) and (b), or both, and later elects to sell that structure or land, the city of Durand shall have the right of first refusal with respect to

purchasing the premises at its fair market value.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.503 Project director of railroad history museum to become employee of department; plan; appropriation.**

Sec. 203. (1) At the time of transfer, a project director who is under contract with the union station corporation and works at the railroad history museum on the effective date of this act shall become an employee of the department in accordance with a plan prepared by the department and approved by the department of civil service. The plan shall relate to compensation, classification, status, probationary periods, seniority, longevity, annual and sick leave, group insurance coverages, retirement, and other terms and conditions of employment.

(2) The sum of not to exceed \$25,000.00 is appropriated from the general fund to the department for the fiscal year ending September 30, 1991, and 2 full-time equated positions are authorized for the purposes of this section.

(3) Nothing in subsection (1) shall be construed to restrict the department from assigning new duties to, or otherwise transferring, a former project director at the railroad history museum after the person becomes an employee of the department.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.504 Railroad history museum; operation; purpose; programs; dissemination of information; training personnel; library; removal, sale, or transfer of personal property given to department.**

Sec. 204. (1) The department's bureau of history shall operate the railroad history museum and associated premises as part of its statewide museum system.

(2) The railroad history museum shall be dedicated to recounting and interpreting the role of the railroad industry in the development of the social, economic, and human history of the state of Michigan.

(3) The programs undertaken at the railroad history museum may include research, restoration, and conservation efforts, with the intent of preserving and interpreting the documents, artifacts, engines, and rolling stock associated with the state's rail system.

(4) The department may disseminate information concerning the railroad industry in Michigan and how the railroad industry helped to build, shape, and define America and assisted in opening frontiers and industrializing Michigan. Information may be disseminated in any appropriate form, including, but not limited to, publications, seminars, special exhibits, and public presentations.

(5) As part of its railroad history museum program, the department may train persons in railroad industry research, interpretation, preservation, and conservation.

(6) The department may maintain and operate a railroad library and archives at the railroad history museum or at another facility acquired to operate in conjunction with the railroad history museum.

(7) All documents, artifacts, and other personal property given to the department under section 201 shall not at any time be permanently removed from the railroad history museum, sold, or permanently transferred to another museum.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.505 Powers and duties of department relative to railroad history museum.**

Sec. 205. With respect to the railroad history museum and in addition to its other powers and duties, the department may do any of the following:

(a) Act to preserve documents, artifacts, engines, rolling stock, and related items of historical interest connected with railroading in Michigan.

(b) Accept on behalf of the state grants and donations of money, real property, historical artifacts, and other personal property related to the themes of the railroad history museum. Donations of money made under this subdivision shall be credited to the railroad history museum trust fund.

(c) Purchase historical artifacts related to the themes of the railroad history museum within the limits of the funds available.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**399.506 Railroad history museum and information center advisory board; creation; membership; qualifications; terms; compensation; expenses; election of officers; meetings; quorum; decisions.**

Sec. 206. (1) The Michigan railroad history museum and information center advisory board is created within the department.

(2) The railroad history museum advisory board shall consist of 9 members appointed by the governor, including all of the following:

- (a) One representative from the city of Durand.
- (b) One representative from the union station corporation.
- (c) One representative from the chamber of commerce of the city of Durand.
- (d) One representative from the tourism council of the county of Shiawassee.
- (e) One representative from the county historical society of the county of Shiawassee.
- (f) One representative from the railroad industry.
- (g) Three representatives of the general citizenry of the state, at least 1 of whom shall be a resident of the Upper Peninsula.

(3) Each member of the railroad history museum advisory board shall be a registered voter and a resident of this state.

(4) Not more than 5 members of the railroad history museum advisory board shall be of the same political party at any 1 time.

(5) Except for members first appointed, each member of the railroad history museum advisory board shall serve a 4-year term. The initial term of office for the members first appointed under subsection (2) shall be determined at the first meeting of the railroad history museum advisory board by the drawing of lots among the members with 3 members serving for 4 years, 3 members serving for 3 years, and 3 members serving for 2 years. Vacancies on the railroad history museum advisory board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(6) A member shall not receive compensation for his or her services as a member of the railroad history museum advisory board, except for expenses incurred while acting as an official representative of the railroad history museum advisory board. However, a member shall not receive more than \$75.00 per day for not more than 24 days per calendar year for not more than 2 years. All claims for expenses shall be paid from the railroad history museum trust fund pursuant to a voucher submitted to the department of treasury.

(7) The members of the railroad history museum advisory board annually shall elect a chairperson, vice-chairperson, and secretary.

(8) The railroad history museum advisory board shall meet not less than twice each calendar year at the call of the chairperson. A majority of the members shall constitute a quorum for the transaction of business. A decision of the railroad history museum advisory board shall be made by majority vote of the members present and voting at a meeting of the railroad history museum advisory board.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**Compiler's note:** In subsection (4) the phrase "at any 1 time" was printed with the alphabet character "l" and evidently should have been printed with the numeral character "1".

### **399.507 Railroad history museum advisory board; powers and duties; conducting business at public meeting; writings.**

Sec. 207. (1) The railroad history museum advisory board shall do all of the following:

(a) Advise the department as to the construction of and the policies, plans, acquisitions, and programs concerning the railroad history museum.

(b) Facilitate cooperation between the department and public and private entities interested in railroad history and the programs of the railroad history museum.

(c) Encourage donations of real and personal property to the department for purposes incidental to, or connected with, the railroad history museum, including artifacts, engines, and rolling stock associated with railroad history in Michigan.

(d) Promote public use of the railroad history museum and its programs.

(e) Make recommendations regarding fees and charges for products and services provided at the railroad history museum.

(f) Provide other assistance and advice as may be required.

(2) The business that the railroad history museum advisory board performs shall be conducted at a public meeting of the railroad history museum advisory board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of each meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(3) A writing prepared, owned, used, in the possession of, or retained by the railroad history museum advisory board in the performance of an official function shall be made available to the public in compliance

with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.508 Railroad history museum; funding assistance.**

Sec. 208. (1) In order to assist the funding of the railroad history museum, the department may do all of the following:

(a) Charge a reasonable fee for entry into the railroad history museum. If charged, the fee shall be set by the secretary of state and shall be reviewed annually.

(b) Establish and administer a retail sales store at the railroad history museum. The railroad history museum store may acquire and sell items that pertain to the collections maintained at the railroad history museum or the purpose of the railroad history museum, or both. Items sold by the railroad history museum store may be acquired by purchase, gift, or consignment and may be sold on a commission basis. The department is exempt from the provisions of section 261 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1261 of the Michigan Compiled Laws, when acquiring items intended for resale in the railroad history museum store. A charge shall be established for each item offered for sale. The charge may include markups and discounts that are commensurate with industry practice. The department may accept cash, check, or credit card payments as compensation for items sold and shall determine which credit cards will be accepted for payment. The department may establish accounts in credit card banks for the deposit of credit card sales invoices and to pay discounts and service charges in connection with the use of credit cards. The department may purchase and place advertisements concerning items offered for sale at the railroad history museum store. The railroad history museum store may utilize the services of high school cooperative students and volunteers.

(c) Establish and operate a snack bar or other food and beverage service at the railroad history museum and make reasonable charges for the items sold. The department may enter into agreements with a contractor or concessionaire to operate a food and beverage concession. A food and beverage concession agreement entered into under authority of this subdivision shall require each contractor or concessionaire to conduct his or her business in good taste and in keeping with the theme of the railroad history museum. The Michigan commission for the blind shall have priority to establish vending and cafeteria operations in the railroad history museum, as authorized by Act No. 260 of the Public Acts of 1978, being sections 393.351 to 393.368 of the Michigan Compiled Laws.

(d) Rent space on the railroad history premises of the museum to tasteful and appropriate history-oriented retail businesses, including, but not limited to, coin, stamp and antique dealers, and model railroad dealers. As consideration for space rented under this section, the department shall charge either 25% of the net profits of the business or the prevailing rate for the space rented. The department shall enter into a written rental agreement with each business specifying the term of the lease, which shall not exceed 1 year in duration, but may contain a renewal clause, the agreed upon consideration, grounds for termination, and any other provisions the secretary of state considers necessary for the sound operation of the railroad history museum.

(e) Rent space on the premises of the railroad history museum to appropriate businesses that demonstrate a substantial need to engage in commerce at the railroad history museum site, including, but not limited to, amtrak or any successor to amtrak. The department shall enter into a written rental agreement with each business specifying the terms of the lease, which shall not exceed 10 years in length but may contain a renewal clause, the consideration, grounds for termination, and such other provisions as the secretary of state considers necessary for the sound operation of the railroad history museum and the business.

(f) Rent space on the premises of the railroad history museum to nonprofit businesses and entities whose purpose involve promoting the study of railroading, historic preservation in general, or Michigan history. The department may rent space under this subdivision at a rate reduced from the prevailing rate for comparable space in the area, but not below 50% of the prevailing rate. The department shall enter into a written rental agreement with each nonprofit business or entity specifying the terms of the lease, which shall not exceed 3 years in duration but may contain a renewal clause, the agreed upon consideration, grounds for termination, and any other provisions the secretary of state considers necessary for the sound operation of the railroad history museum.

(2) The department may rent space on the premises of the railroad history museum to a suitable restaurant. The restaurant shall agree to develop a decor relating to the theme of the railroad history museum that is subject to the approval of the secretary of state. As consideration for space rented under this subsection, the department shall charge 15% of the net profits of the restaurant. The department shall enter into a written rental agreement with the restaurant specifying the terms of the lease, which shall not exceed 3 years in duration but may contain a renewal clause, the agreed upon consideration, grounds for termination, and any

other provisions the secretary of state considers necessary for the sound operation of the railroad history museum.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

### **399.509 Railroad history museum trust fund.**

Sec. 209. (1) The money collected under this section and sections 205 and 208 shall be credited to a revolving fund that is created in the state treasury and shall be known as the Michigan railroad history museum trust fund. Except as provided in subsection (3), money deposited in the railroad history museum trust fund may be used to do any of the following:

- (a) Defray the costs of operating the railroad history museum.
  - (b) Purchase artifacts, engines, and rolling stock for the collection of the railroad history museum.
  - (c) Restore artifacts, engines, and rolling stock in the collection of the railroad history museum.
  - (d) Advertise and pay for educational programs, special exhibits, and special events, including performers, presented at the railroad history museum.
  - (e) Provide free materials to school groups.
  - (f) Purchase items offered for sale at the railroad history museum store.
  - (g) Make capital and other substantial improvements to the railroad history museum facilities.
- (2) The department shall administer the railroad history museum trust fund. The money in the railroad history museum trust fund at the close of the fiscal year shall remain in the fund for use in a subsequent year and may not be expended for any purpose other than those enumerated in this act.

(3) The sum of not to exceed \$37,500.00 is appropriated from the general fund to the department for the fiscal year ending September 30, 1991, for operational expenses of the Michigan railroad history museum.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990.

### **399.510 Friends of the depot organization; establishment; powers; official recognition; qualifications; letter of certification; rules; use of museum facilities.**

Sec. 210. (1) The department shall encourage the creation of an officially recognized friends of the depot organization designed to provide funding, promotional support, volunteer labor, and other forms of assistance to the railroad history museum.

(2) If established, the officially recognized friends of the depot organization may do all of the following:

- (a) Make expenditures on behalf of the programs of the railroad history museum, if such expenditures are requested by the department.
- (b) Use the facilities of the railroad history museum without charge upon receipt of written permission from the department to do so. Use of the railroad history museum facilities shall be in keeping with the authorized purposes of the friends of the depot organization, shall not be made at times and places that would unreasonably interfere with opportunities of the general public to use the facilities for established purposes, and shall be subject to the other provisions of this section.

(c) Engage in fund-raising activities at the railroad history museum.

(d) Furnish volunteer labor to perform services in the railroad history museum store and in connection with other programs at the railroad history museum.

(3) To qualify as the officially recognized friends of the depot organization, an organization shall do all of the following:

- (a) Incorporate under the laws of the state of Michigan.
- (b) Operate on a nonprofit basis.
- (c) Request written approval from the department, using procedures and forms prescribed by the department, to function as an officially recognized friends of the depot organization.

(4) Except as provided in subsection (5), if an entity qualifies as the officially recognized friends of the depot organization, the department shall issue a letter of certification recognizing the organization's qualifications. The letter shall specify the conditions under which the friends of the depot organization may make expenditures on behalf of the railroad history museum and may include other appropriate provisions.

(5) Nothing in this section requires the department to certify a friends of the depot organization that meets the qualifications prescribed in this section.

(6) The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish special conditions with which the friends of the depot organization shall comply in order to use railroad history museum facilities.

(7) The department shall not permit the use of railroad history museum facilities if the friends of the depot organization fails to provide membership and employment opportunities to all persons regardless of race, color, religion, sex, age, national origin, or physical disability.

**History:** 1990, Act 325, Imd. Eff. Dec. 21, 1990;—Am. 1998, Act 443, Imd. Eff. Dec. 30, 1998.

**THE MUSEUM DISPOSITION OF PROPERTY ACT**  
**Act 24 of 1992**

AN ACT to provide for the disposition of property loaned to museums, archives, and libraries.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

*The People of the State of Michigan enact:*

**399.601 Short title.**

Sec. 1. This act shall be known and may be cited as “the museum disposition of property act”.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

**399.602 Definitions.**

Sec. 2. As used in this act:

(a) “Lender” means a person whose name appears on the records of the museum as the person legally entitled to property on loan to a museum, or a person the museum knows to be legally entitled to property on loan to a museum, or a person who establishes his or her legal entitlement to that property.

(b) “Loan” means a deposit of property that is not accompanied by a transfer of title to the property.

(c) “Museum” means an institution generally known as a museum, archives, or library located in this state that is or does each of the following:

(i) Established primarily for artistic, educational, scientific, historic, or preservation purposes.

(ii) Exhibits, cares for, studies, archives, or catalogs property.

(iii) Operated by a nonprofit corporation, college, university, or public agency.

(d) “Property” means an animate or inanimate object in a museum's possession or under a museum's care because of that object's artistic, educational, scientific, historic, or cultural value.

(e) “Undocumented property” means property in the possession of a museum, the owner or lender of which the museum has no reasonable means of identifying.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

**399.603 Property loaned to museum on or after January 1, 1993; duties.**

Sec. 3. For each item of property loaned to a museum on or after January 1, 1993, the museum shall do all of the following at the time of the loan:

(a) Make and retain a written record containing at least all of the following information:

(i) The owner's name, address, and telephone number.

(ii) The name, address, and telephone number of a person designated by the owner for the museum to contact in the event that the owner cannot be located.

(iii) A description of the property loaned.

(iv) The beginning date of the loan.

(v) The duration of the loan.

(b) Provide the lender a signed receipt or loan agreement containing at least the record set forth in subdivision (a).

(c) Inform the lender of the existence of this act and provide the lender with a copy of this act upon the lender's request.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

**399.604 Property loaned to museum generally; duties.**

Sec. 4. Regardless of the date of a loan of property, a museum shall do each of the following:

(a) Update its records if a lender informs the museum of a change of address or change in ownership of property loaned, or if the lender and museum negotiate a change in the duration of the loan.

(b) If the museum changes its address, do each of the following:

(i) Provide each lender whose name and address is known to the museum with written notice of the change of address by ordinary mail within 30 days of the change of address.

(ii) Publish a notice of the change of address at least twice, 60 or more days apart, in a newspaper of general circulation in the county in which the museum is located.

(c) If the museum is permanently closing, terminate each loan pursuant to section 7.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.605 Notice of change in lender or designee's address or ownership.**

Sec. 5. For each item of property loaned to a museum on or after January 1, 1993, a lender shall provide the museum with written notice of a change in the lender's address, a change in the address of a person described in section 3(a)(ii), or a change in ownership of the property loaned.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.606 Notice by museum to terminate loan of property; conditions.**

Sec. 6. Regardless of the date of a loan of property, beginning January 1, 1993, a museum may give notice of termination of a loan of property pursuant to section 7 under any of the following circumstances:

- (a) The property was loaned to the museum for an indefinite term.
- (b) The property was loaned to the museum for a specific term, and the term has expired.
- (c) The property is undocumented property.
- (d) The museum is permanently closing.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.607 Notice by museum to terminate loan of property; determining identity and last known address of lender; written statement included in notice; signed return receipt not received; publication of notice in newspaper.**

Sec. 7. (1) Before terminating a loan of property, a museum shall provide notice of a termination of a loan of property as provided in this section. In providing notice of a termination of a loan of property, a museum shall employ all reasonable means to determine the identity and last known address of the lender of that property, and, if applicable, the identity and last known address of the lender's designee.

(2) If the museum determines the identity of the lender and the lender's last known address, the museum shall personally serve or send to that lender, by certified mail, return receipt requested, a notice of termination of loan. The notice shall include a written statement substantially conforming to the following:

"Records of \_\_\_\_\_ (name of museum) indicate you loaned the following property to the museum \_\_\_\_\_ (description of property), on or about \_\_\_\_\_ (date of loan).

\_\_\_\_\_ The term of the loan has expired.

\_\_\_\_\_ The loan was for an indefinite time and the museum wishes to terminate the loan.

\_\_\_\_\_ The museum is permanently closing.

(check appropriate blank)

You are required to contact the museum and make arrangements for the removal of the property. If you do not remove the property within 1 year of receiving this notice, you will be deemed to have donated the property to the museum and any ownership or other rights in the property you have shall end.

To make arrangements to pick up the property, please contact \_\_\_\_\_ (name of museum employee or office) at \_\_\_\_\_ (museum address), \_\_\_\_\_ (telephone number)."

(3) If a signed return receipt of a notice sent by certified mail to the lender under subsection (2) is not received by the museum within 30 days after the notice is mailed, the museum shall do 1 of the following:

(a) If records of the museum identify a lender's designee, the museum shall send notice by certified mail, return receipt requested, to that designee.

(b) If records of the museum do not identify a lender's designee, the museum shall make written request to the secretary of state for the lender's current address, and use all other reasonable means to determine the lender's current address. If the museum obtains the lender's current address, the museum shall proceed under subsection (2).

(4) If the museum is unable to determine the identity of the lender or the lender's last known address, the identity of the lender's designee or the designee's last known address, or if a signed return receipt of a notice sent by certified mail to the lender or the lender's designee under subsection (2) or (3) is not received by the museum within 30 days after the notice is mailed, the museum shall publish the notice of termination of loan at least twice, 60 or more days apart, in a newspaper of general circulation in the county in which the museum is located, and the county of the lender's most recent address, if known. The notice shall substantially conform to the following:

"The \_\_\_\_\_ (name of museum) was loaned the following property \_\_\_\_\_ (description of property), by \_\_\_\_\_ (name of lender, if known), of \_\_\_\_\_ (lender's last known address, if any) on or about \_\_\_\_\_ (approximate date of loan, if known).

If you claim ownership or another legal interest in this property, you are required to establish your interest and to remove the property from the museum within 1 year of the date of this notice, or your interest shall end.

To preserve your interest in the property, contact \_\_\_\_\_ (name of museum employee or office) at

\_\_\_\_\_ (museum address), \_\_\_\_\_ (telephone number).”

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.608 Property loaned for indefinite term.**

Sec. 8. Beginning January 1, 1993, regardless of the date of a loan of property, a lender may give notice of termination of a loan of property if the property was loaned for an indefinite term. The lender shall give the museum at least 60 days' notice before the lender intends to remove the property.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.609 Documentation establishing ownership.**

Sec. 9. A museum shall require a person to provide documentation sufficient to establish that the person is a lender of an item of property or the authorized representative of the lender of an item of property before allowing that person to remove the property from the museum under this act.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.610 Competing claims for property.**

Sec. 10. If more than 1 person claims to be the lender of an item of property, and the claims are competing, a museum may wait to release the property until the competing claims are resolved by agreement or legal action of the claimants.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.611 Museum gaining title to property; conditions; notice.**

Sec. 11. (1) Beginning January 1, 1993, a museum gains title to an item of property, subject only to an interest or interests in that property previously recorded pursuant to state law, under any of the following circumstances:

(a) For an item of property for which a museum provides written notice to a lender or a lender's designee pursuant to section 7(2) or (3) and personal service is effectuated or a signed return receipt is received, if a lender of that item does not contact the museum within 1 year after the date notice was received.

(b) For an item of property for which newspaper publication is made pursuant to section 7(4), if a lender of that item does not contact the museum within 1 year after the date of second publication.

(c) Undocumented property that is not solicited by the museum and that is delivered to the museum or left on museum premises after January 1, 1993.

(2) Subject to subsection (3), beginning January 1, 1994, a museum gains title to undocumented property that has been in the possession of the museum for 35 or more consecutive years, subject only to an interest or interests in that undocumented property previously recorded pursuant to state law.

(3) A museum does not gain title to undocumented property that has been in its possession for 35 or more consecutive years unless all of the following occur:

(a) If the museum has an annual budget of more than \$50,000.00, the museum publishes a notice in a newspaper of general circulation in the county within which the museum is located. The notice shall be prominently placed in the newspaper at least once each week for 2 or more weeks, shall be no less than 4 inches wide and 6 inches in height, with a black border that is not less than 1/4 inch wide, and shall include all of the following:

(i) The word “NOTICE” in not less than 25-point type.

(ii) A statement in not less than 22-point type in substantially the following form:

CERTAIN LOANED PROPERTY CURRENTLY IN THE POSSESSION OF \_\_\_\_\_ (NAME OF MUSEUM) WILL BECOME THE PROPERTY OF THE MUSEUM IF UNCLAIMED, BEGINNING ON \_\_\_\_\_ (JANUARY 1, 1994, OR DATE WHICH IS 6 MONTHS OR MORE AFTER THE FINAL PUBLICATION OF THE NOTICE, WHICHEVER IS LATER).

(iii) A statement in not less than 10-point type that follows the statement described in subparagraph (ii) and is in substantially the following form:

THE MUSEUM DISPOSITION OF PROPERTY ACT AUTHORIZES \_\_\_\_\_ (NAME OF MUSEUM) TO BECOME THE OWNER OF PROPERTY LOANED TO THE MUSEUM AND POSSESSED BY THE MUSEUM FOR 35 OR MORE YEARS WITHOUT DOCUMENTATION OR EVIDENCE ESTABLISHING THE IDENTITY OF THE PROPERTY'S LENDER. A PERSON WHO WISHES TO PRESERVE AN INTEREST IN ANY UNDOCUMENTED PROPERTY WHICH WILL HAVE BEEN IN THE MUSEUM'S POSSESSION FOR 35 OR MORE YEARS ON \_\_\_\_\_ (DATE THAT IS USED IN THE STATEMENT REQUIRED BY SUBDIVISION (A)(ii)) MUST CONTACT THE MUSEUM BEFORE THAT DATE. A PERSON WHO WISHES TO PRESERVE AN INTEREST IN OTHER

UNDOCUMENTED PROPERTY MUST CONTACT THE MUSEUM BEFORE THE PROPERTY HAS REMAINED IN THE POSSESSION OF THE MUSEUM FOR 35 YEARS. UNDOCUMENTED PROPERTY THAT IS UNCLAIMED AFTER BEING IN THE MUSEUM'S POSSESSION FOR 35 YEARS BECOMES THE PROPERTY OF THE MUSEUM AS PROVIDED BY LAW.

THE LAW DOES NOT REQUIRE THE MUSEUM TO PROVIDE ANY FURTHER PUBLIC NOTICE CONCERNING THE MUSEUM DISPOSITION OF PROPERTY ACT OR YOUR OBLIGATION TO CONTACT THE MUSEUM REGARDING UNDOCUMENTED PROPERTY IN WHICH YOU MAY HAVE AN INTEREST.

(b) If the museum has an annual budget of \$50,000.00 or less, the museum publishes a readily visible notice in a newspaper of general circulation in the county within which the museum is located. The notice shall be in substantially the form described in subdivision (a), but the size of the notice, print, and border may be less than the size specified for each in subdivision (a).

(c) The museum posts a copy of a notice substantially corresponding to the notice described in subdivision (a)(i), (ii), and (iii) in a conspicuous location on the museum premises at the time notice is provided by newspaper publication under subdivision (a), and the notice remains posted in a conspicuous location until the museum has obtained title to all undocumented property in its possession under subsection (2).

(d) The museum does not receive documentation or other evidence establishing a person's ownership interest in the undocumented property within the applicable period of time specified in the published notices pursuant to subdivision (a)(iii).

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.612 Abrogation of rights and obligations.**

Sec. 12. This act does not abrogate rights and obligations of a lender or museum identified in a written agreement.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

### **399.613 Immunity from civil liability.**

Sec. 13. Beginning January 1, 1993, a museum that in good faith relinquishes property in compliance with this act to a lender is immune from civil liability for that relinquishment.

**History:** 1992, Act 24, Imd. Eff. Mar. 23, 1992.

## **HISTORY, ARTS, AND LIBRARIES ACT**

### **Act 63 of 2001**

AN ACT to create a department of history, arts, and libraries; to provide for its administration; and to provide for its powers, duties, functions, and responsibilities.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

*The People of the State of Michigan enact:*

#### **399.701 Short title.**

Sec. 1. This act shall be known and may be cited as the “history, arts, and libraries act”.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

#### **399.702 Definitions.**

Sec. 2. As used in this act:

(a) “Commission” means the Michigan film advisory commission created in section 22.

(b) “Council” means the Michigan council for arts and cultural affairs established by Executive Order No. 1991-21.

(c) “Department” means the department of history, arts, and libraries created in section 3.

(d) “Director” means the director of the department.

(e) “Office” means the Michigan film office created in section 21.

(f) “Person” means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(g) “Type II transfer” means that term as it is defined in section 3 of the executive organization act of 1965, 1965 PA 380, MCL 16.103.

**History:** 2001, Act 63, Eff. Aug. 6, 2001;—Am. 2002, Act 508, Imd. Eff. July 23, 2002.

#### **399.703 Department of history, arts, and libraries; creation.**

Sec. 3. The department of history, arts, and libraries is created.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

#### **399.704 Director; appointment.**

Sec. 4. The department shall be headed by a director who shall be appointed by and serve at the pleasure of the governor.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

#### **399.705 Powers, duties, functions, and responsibilities.**

Sec. 5. The department shall carry out the powers, duties, functions, and responsibilities as provided in this act and as otherwise provided by law.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

#### **399.706 Transfer of records, personnel, property, grants, unexpended appropriations, allocations, and other funds.**

Sec. 6. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the department of history, arts, and libraries by this act are hereby transferred to the department of history, arts, and libraries. The state budget director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year ending September 30, 2001.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

#### **399.707 Agreements with other governmental entities; purpose.**

Sec. 7. (1) The department may enter into cooperative agreements, contracts, or other agreements with 1 or more governmental entities to use the personnel, services, or facilities of the entity to assist with carrying out the duties, functions, and responsibilities of the department as provided in this act and as otherwise provided by law.

(2) The director may delegate his or her authority to execute an agreement authorized in subsection (1) to another officer or employee of the department under terms the director considers appropriate.

**History:** Add. 2002, Act 508, Imd. Eff. July 23, 2002.

**399.711 Transfer of Michigan council for arts and cultural affairs by type II transfer; term of office; vacancy; chairperson; expenses; subcommittees and advisory committees; duties.**

Sec. 11. (1) The Michigan council for arts and cultural affairs is transferred by a type II transfer to the department. The council shall consist of 15 members appointed by the governor.

(2) The term of office of each member of the council shall be 3 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term.

(3) The governor shall appoint 1 member of the council as chairperson. The council shall elect other officers as it considers necessary.

(4) Members of the council shall not receive compensation, but may be reimbursed for the actual and necessary expenses, including mileage, incurred in carrying out their functions.

(5) The council may appoint subcommittees and advisory committees. The director may assign staff, if requested by the chairperson of the council, to assist the council in performing its functions.

(6) The council shall do all of the following:

(a) Advise the governor and the director on matters relating to arts and cultural affairs.

(b) Disburse, fund, and make grants to public and private arts and cultural entities.

(c) Accept gifts, grants, loans, appropriations, or other aid from any person and agree and comply with conditions attached to such gifts, grants, loans, appropriations, or other aid.

(d) Make and execute contracts and other instruments with any person, necessary or convenient to the proper exercise of its function.

(e) Develop and implement a long-range plan to accomplish its objectives.

**History:** 2001, Act 63, Eff. Aug. 6, 2001.

**399.721 Michigan film office; creation; appointment of commissioner; duties of office.**

Sec. 21. (1) The Michigan film office is created in the department and shall be headed by the Michigan film commissioner. The director shall appoint an individual to serve as the Michigan film commissioner.

(2) The office shall do all of the following:

(a) Promote and market Michigan's locations, talent, crews, facilities, and technical production and other services.

(b) Provide to interested persons descriptive and pertinent information on locations, talent, crews, facilities, and technical production and other services.

(c) Provide technical assistance to the film and television industry in locating and securing the use of locations, talent, crews, facilities, and services.

(d) Encourage community and Michigan film and television production industry participation in, and coordination with, state efforts to attract film and television production in Michigan.

(e) Serve as chief state liaison with the film and television production industry and with other governmental units and agencies for the purpose of promoting, encouraging, and facilitating film and television production in Michigan.

**History:** 2001, Act 63, Eff. Aug. 6, 2001;—Am. 2002, Act 508, Imd. Eff. July 23, 2002.

**399.722 Michigan film advisory commission; creation; membership; chairperson; terms; vacancy; compensation; duties; meetings; compliance with open meetings act; writings subject to freedom of information act; exception; use of information for personal gain.**

Sec. 22. (1) The Michigan film advisory commission is created in the department. The commission shall consist of the following members:

(a) Thirteen individuals appointed by the governor as follows:

(i) Five members associated with broad areas of film and motion picture making, production of television programs and commercials, and related industries in Michigan.

(ii) Two members representing Michigan-based theater owners, 1 of whom shall be a large theater owner. As used in this subdivision, "large theater" means a theater with 10 screens or more or that seats 1,000 individuals or more.

(iii) Two members from film, television, or related industry unions.

(iv) Three members appointed from the public at large and not active in the film, television, and related industries.

(v) One member representing local units of government.

(b) One individual appointed by the speaker of the house of representatives.

- (c) One individual appointed by the senate majority leader.
- (2) The Michigan film commissioner shall serve as an ex officio nonvoting member of the commission.
- (3) The governor shall appoint 1 member of the commission to serve as chairperson of the commission for a term of 1 year. The governor may reappoint the chairperson for an additional term of 1 year. A member shall not serve as chairperson for more than 2 consecutive terms.
- (4) The term of office of each regular member of the commission shall be 3 years and until the appointment and qualification of the member's successor. If a vacancy occurs on the commission, that vacancy shall be filled within 90 days after the vacancy occurs for the remainder of the unexpired term. The vacancy shall be filled in the same manner as the original appointment. An individual who is appointed to fill a vacancy is eligible for appointment to a subsequent full term.
- (5) Members of the commission shall serve without compensation but, subject to appropriations, may receive reimbursement for their actual and necessary expenses while attending meetings or performing other authorized official business of the commission.
- (6) The commission may do 1 or more of the following:
  - (a) Advise the governor, the department, the office, and the legislature on how to promote and market Michigan's locations, crews, facilities, and technical production facilities and other services used by film, television, and related industries.
  - (b) Encourage community and Michigan film and television production industry participation in, and coordination with, state efforts to attract film, television, and related production to Michigan.
  - (c) Assist the office in promoting, encouraging, and facilitating film, television, and related production in Michigan.
  - (d) Develop strategies and methods to attract film, television, and related business to Michigan.
  - (e) Under direction of the office, provide assistance to film, television, and related service personnel who use Michigan as a business location.
  - (f) Sponsor and support official functions for film, television, and related industries.
  - (g) Assist in the establishment of film and television ventures and such related matters as the office or the department considers appropriate.
- (7) The commission shall meet not less than 3 times each year. The commission shall also meet at the call of its chairperson.
- (8) A meeting of the commission shall be conducted as a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Notice of the date, time, and place of a public meeting of the commission shall be given as prescribed in the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (9) A writing prepared, owned, used, in the possession of, or retained by the commission when performing business of the commission is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except that such a writing may be kept confidential for up to 6 months after the date a request to inspect, obtain, or copy the writing is received, if, in the judgment of the chairperson of the commission, disclosure of the record would compromise or otherwise undermine the ability of Michigan industry to compete in the promotion and marketing of Michigan's locations, crews, facilities, and technical production and other services.
- (10) A member of the commission shall not use for personal gain information obtained by the member while performing business of the commission, nor shall a member of the commission disclose confidential information obtained by the member while conducting commission business, except as necessary to perform commission business.

**History:** Add. 2002, Act 508, Imd. Eff. July 23, 2002.

**EXECUTIVE REORGANIZATION ORDER**  
**E.R.O. No. 2002-11**

**399.751 Transfer of certain powers and duties relating to state records management program from department of management and budget to department of history, arts, and libraries, and its director, by type II transfer; transfer of powers and duties relating to certain statistical studies from state budget director to department of history, arts, and libraries by type II transfer; transfer of certain powers and duties of department of information technology, center for geographic information, to department of history, arts, and libraries by type II transfer.**

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch and in the assignment of functions among its units, which he considers necessary for efficient administration; and

WHEREAS, the Department of History, Arts and Libraries was created in 2001 as the state's premier cultural institution with responsibility for preserving and managing historical resources and records, promoting film and the arts, and coordinating the activities of Michigan libraries; and

WHEREAS, the Department of History, Arts and Libraries currently administers the state records archival preservation program, including the State Archives of Michigan, local records management and archival preservation programs, and the Library of Michigan's communications programs, which afford Michigan residents and state agencies access to state documents and related information; and

WHEREAS, many, but not all, records-related programs and functions were transferred to the Department of History, Arts and Libraries when the department was created; and

WHEREAS, the Department of Management and Budget currently administers the state records management program, including the State Records Center; Office of the State Budget performs demographic and population projection functions; and the Department of Information Technology currently administers certain census information gathering and reporting functions amenable to administration by the Library of Michigan; and

WHEREAS, further consolidation of records management, information dissemination and communications programs of the state of Michigan in the Department of History, Arts and Libraries will promote a unified approach to and strengthen central policymaking and direction-setting in records management, archival records preservation and information dissemination; and

WHEREAS, it is necessary in the interests of efficient administration and the effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

**I. DEFINITIONS**

As used herein:

A. The "Department of History, Arts and Libraries" means the principal department created by Section 3 of Act No. 63 of the Public Acts of 2001, being Section 399.703 of the Michigan Compiled Laws.

B. The "Department of Information Technology" means the principal department created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

C. The "Department of Management and Budget" means the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

D. "Forms Management Program" means the program described in Section 205 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1205 of the Michigan Compiled Laws.

**II. DEPARTMENT OF MANAGEMENT AND BUDGET**

A. Except as provided in paragraph II.C., all statutory authority, powers, duties, and functions of the Department of Management and Budget related to the state records management program, including but not limited to authority to operate a records center or centers and administer records services and microfilm funds, as set forth in Sections 284 to 292 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Sections 18.1284 to 18.1292 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the

Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The power of the Director of the Department of Management and Budget to issue, alter or rescind administrative and procedural directives as determined necessary for the effective administration of the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws; and the power of the Department of Management and Budget to promulgate administrative rules as necessary to implement the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. Notwithstanding paragraph II.A., the Department of Management and Budget shall retain all statutory authority, powers, duties, and functions necessary for the development, implementation and coordination of the state's forms management program, as set forth in Section 287 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1287 of the Michigan Compiled Laws.

D. All statutory authority, powers, duties, and functions of the State Budget Director with respect to conducting statistical studies, making estimates and projections of population relative to size and distribution, and engaging in other demographic assessment activities, as set forth in Section 343 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, being Section 18.1343 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

### **III. DEPARTMENT OF INFORMATION TECHNOLOGY**

Such authority, powers, duties, and functions as are currently exercised by the Department of Information Technology, Center for Geographic Information (formerly the Michigan Information Center), under a cooperative initiative between the United States Bureau of the Census and the state of Michigan relative to census reporting, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

### **IV. MISCELLANEOUS**

A. The Director of the Department of History, Arts and Libraries, in cooperation with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfers and reassignments prescribed by this Order.

B. The Director of the Department of History, Arts and Libraries shall administer the transferred functions governed by this Order in such ways so as to promote efficient administration and shall make such internal organizational changes in the Department of History, Arts and Libraries as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of History, Arts and Libraries shall coordinate with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology to facilitate the transfers prescribed by this Order and may enter into cooperative agreements, letters of agreement, service level agreements, and other written agreements with each other deemed necessary to complete the transfers. Such agreements may identify any pending or existing settlements, issues of compliance with federal and state laws, or other obligations to be resolved related to the transferred authority.

D. All records, personnel, property, grants, leases, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities of the Department of Management and Budget, its Director, the Office of the State Budget, and the Department of Information Technology related to reassigned functions described above, are hereby transferred to the Department of History, Arts and Libraries.

E. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

F. All rules, orders, contracts, grants, agreements, and directives relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of History, Arts and Libraries by this Order, lawfully adopted prior to the effective date of this Order, shall continue to be effective until revised, amended

or rescinded.

G. Any suit, action or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

H. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

**History:** 2002, E.R.O. No. 2002-11, Eff. Dec. 20, 2002.